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12	Gerald D. Koch	Ralston	Educator	Douglas
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15	Barry Reutzel	Fremont	Field Office Mgr	Dodge
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42	Myron Rumery	North Platte	Retired	Custer, Lincoln
43	Howard Lamb	Anselmo	Farmer-Rancher	Blaine, Brown, Cherry, Custer, Hooker, Keya Paha, Logan, McPherson, Rock, Thomas
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48	William E. Nichol	Scottsbluff	Businessman	Scotts Bluff
49	Samuel K. Cullan	Hemingford	Farmer	Box Butte, Dawes, Sheridan, Sioux, Grant

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 as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

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

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

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

Emergency Succession RRS 50-503 (7)

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

Const. Art. III, Sec. 14.
Addressing the Chair. Rule 2, Sec. 7.
Duties RRS 50-113.

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

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

Const. Art. III, Sec. 10.

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

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

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

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

RULE 3

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 three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 13. 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.

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.

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

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

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

See Rule 3, Sec. 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.

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.RRR 50-421.5 members
Education Commission of the State. RRS 79-2504 ..... 4 members
Administrative Rules Committee. RRS 84-908 ..... 7 members
(Chosen by Legislature)

RULE 3

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

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

RRS 50-416

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

RULE 4—RESOLUTIONS

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

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

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

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

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

RRS 50-404

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

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

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

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

Const. Art. III, Sec. 14.

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

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

For public hearing. Rule 3, Sec. 5.

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

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

RULE 5—BILLS—GENERAL PROVISIONS

Section 1. Drafting of Bills. The bill drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. 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 selected 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 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.

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. Any motion to amend an appropriation bill or a motion to amend an amendment to an appropriation bill shall require a majority vote of the elected members.

(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	
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.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment & Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Sec. 3g.
No one to be seated beside member during Final Reading. Rule 2, Sec. 3d.

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

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 motions 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	2/3	
Const. Art. IV, Sec. 27		
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 annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., and adjourn not later than 1:00 p.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators.

Const. Art. III, Sec. 10.

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

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

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
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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

RULE 7

Legislature was engaged at the adjournment of the last preceding sitting shall have preference in the special order of the day.

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

Introduction of bills. Rule 6, Sec. 1.

(B) Voting Machine

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

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

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

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

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated

by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

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

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

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

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

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

a. Motion to postpone indefinitely on Select File
b. Motion to advance bills from committee
c. Motion to place bills on General File, notwithstanding the action of a standing committee

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(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 or proposition.

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

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

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

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

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

ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause if adopted, is equivalent to rejection of the bill. It shall not have

precedence over a motion to amend nor a motion to indefinitely postpone.

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

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

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

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

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FIRST DAY– JANUARY 5, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 5, 1977

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Eighty-Fifth Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 A.M. on Wednesday, January 5, 1977, and was called to order by President Whelan.

PRAYER

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

> Dear Lord and Father, if ever we needed Your wisdom and guidance it is now as our Legislature begins a new session, standing upon the threshold of a new year, filled with so many wonderful and dangerous opportunities. Although we have been organized as a Legislature for 40 years, our traditions go back to the first dreams of democracy, and our thoughts stretch forward with high hopes for what we may yet accomplish in the future.
>
> Some familiar 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 move forward with vitality, vigor and energized faith, and we pray that in 1977 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 You the God and Father of us all. Amen.

ROLL CALL

The roll was called and the following members were present.

Barnett, Wally, Jr.	Bereuter, Douglas	Boughn, Keith M.
Burrows, George	Carsten, Calvin F.	Chambers, Ernest
Clark, Robert L.	Cope, Ron	Cullan, Samuel K.
DeCamp, John W.	Dworak, Donald	Fitzgerald, Tom
Fowler, Steve	George, Walter	Goodrich, Glenn A.
Hasebroock, William	Hefner, Elroy	Kahle, Martin F.
Kelly, Ralph D.	Keyes, Orval A.	Koch, Gerald D.
Kremer, Maurice A.	Labedz, Bernice	Lamb, Howard
Lewis, Frank	Lewis, Richard	Luedtke, Roland A.
Maresh, Richard	Marsh, Shirley	Marvel, Richard D.
Maxey, Jo Ann	Merz, Nelson	Mills, Jack D.
Moylan, Harold T.	Murphy, John R.	Nichol, William
Rasmussen, Dennis	Reutzel, Barry L.	Rumery, Myron
Savage, John S.	Schmit, Loran	Simon, Neil
Stoney, Larry D.	Swigart, Warren R.	Venditte, Patrick
Warner, Jerome		

Senator Bill Brennan and Senator Herbert J. Duis were excused, and Senator Dave Newell was excused until he arrives.

MOTION—Adopt Rules

Mr. DeCamp moved that the Rules, as now in the possession of the members, be adopted for today only, Wednesday, January 5, 1977.

The motion prevailed with 42 ayes, 0 nays and 7 not voting.

MOTION—Appoint Temporary Clerk and Sergeant at Arms

Mr. Carsten 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 42 ayes, 0 nays and 7 not voting.

MOTION—Committee on Credentials

Mr. Clark moved 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, 1976.

The motion prevailed with 43 ayes, 0 nays and 6 not voting.

The Chair appointed the Clerk's staff to act as tellers.

Nominations of Committee on Credentials

Mr. Marvel moved the following top nominations be declared nominated and to vote on five of these. The motion prevailed.

Hasebroock
Kremer
Mills
Nichol
Luedtke
Rumery
Savage
Stoney

Mr. DeCamp asked unanimous consent to elect the top five. No objections. So ordered. The Chair declared Messrs. Hasebroock, Kremer, Mills, Nichol and Luedtke duly elected.

The Committee escorted Secretary of State Allen Beermann to the rostrum to deliver the report on the election returns.

Mr. Hasebroock reported on the Credentials Committee.

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 elected or appointed to serve in the Eighty-Fifth Legislature, First Session (Regular), 1977.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected or appointed Members of the Unicameral Legislature in the State of Nebraska for the Eighty-Fifth Legislature, First Session (Regular), 1977.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

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

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

DISTRICT	NAME	ELECTED
1	Nelson Merz	November 2, 1976
2	Calvin Carsten	
3	Orval Keyes	November 2, 1976
4	Larry Stoney	
5	Bernice Labedz	November 2, 1976
6	Harold Moylan	
7	Pat Venditte	November 2, 1976
8	Warren Swigart	
9	Bill Brennan	November 2, 1976
10	John Savage	
11	Ernest Chamber	November 2, 1976
12	Gerald Koch	
13	Dave Newell	November 2, 1976
14	Thomas Fitzgerald	
15	Barry Reutzel	November 2, 1976
16	Walter George	
17	John R. Murphy	November 2, 1976
18	William Hasebroock	
19	Elroy Hefner	November 2, 1976
20	Glenn Goodrich	
21	Keith Boughn	November 2, 1976
22	Donald Dworak	
23	Loran Schmit	November 2, 1976
24	Douglas Bereuter	
25	Jerome Warner	November 2, 1976
26	Wally Barnett	
27	Steve Fowler	November 2, 1976
28	Roland Luedtke	
29	Shirley Marsh	November 2, 1976
30	George Burrows	
31	Neil Simon	November 2, 1976
32	Richard Maresh	
33	Richard Marvel	November 2, 1976
34	Maurice Kremer	
35	Ralph Kelly	November 2, 1976
36	Ron Cope	
37	Martin Kahle	November 2, 1976
38	Richard Lewis	
39	Herbert Duis	November 2, 1976
40	John DeCamp	
41	Dennis Rasmussen	November 2, 1976

42	Myron Rumery	
43	Howard Lamb	November 2, 1976
44	Jack Mills	
45	Frank Lewis	November 2, 1976
46	*Jo Ann Maxey	Appointed to Complete Term
47	Robert Clark	November 2, 1976
48	William Nichol	
49	Samuel Cullan	November 2, 1976

* Appointed to fill vacancy of Harold D. Simpson, resigned.

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that this addendum is being submitted and filed with the official roster of the Members of the Legislature of the Eighty-fifth Session, Regular.

Further, I hereby certify that Senator-elect Herbert J. Duis of the Thirty-ninth Legislative District has, on or before January 5, 1977, signed his Official Oath of Office at the St. Mary's Hospital, Rochester, Minnesota.

Further, I hereby certify that Senator-elect Bill Brennan of the Ninth Legislative District has on this 5th day of January, 1977, signed his Official Oath of Office at Archbishop Bergan Mercy Hospital, Omaha, Nebraska.

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

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

(Signed) Allen J. Beermann
Secretary of State

(Seal)

Mr. Savage moved the report of the Committee on Credentials be accepted.

The motion prevailed with 35 ayes, 0 nays and 14 not voting.

RESIGNATION

July 21, 1976

The Honorable J. J. Exon
Governor of Nebraska
Lincoln, Nebraska

Dear Governor Exon:

I hereby resign as legislator from District 5 as of this date. I sincerely thank you for your cooperation and helpfulness to me as Chairman of the Executive Board.

Sincerely yours,

(Signed) Eugene T. Mahoney

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1977

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 Bernice R. Labedz as Member of the Legislature from the Fifth (5th) Legislative District for the unexpired term of Eugene T. Mahoney, resigned.

Sincerely yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that BERNICE R. LABEDZ has been appointed a Member of the Nebraska State Unicameral Legislature from the Fifth (5th) District for the unexpired term of Eugene T. Mahoney, resigned, for the term beginning July 22, 1976, for such time as she 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 fifth day of January in the year of our Lord, one thousand nine hundred and seventy-seven.

(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 Mrs. Bernice Labedz of 4417 South 40th Street, Omaha, Nebraska to the office of Member of Unicameral Legislature - District 5 to do and perform all the duties of said office for the term beginning July 22, 1976 for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until January 4, 1977. Said appointee succeeds Eugene Mahoney, resigned.

Done at Lincoln, Nebraska, this 22nd day of July A.D. 1976.

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

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

"I Bernice Labedz, 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 Legislature - Dist. 5 according to the best of my ability, and that at the *election at which I was chosen to fill said office, 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) Bernice R. Labedz

Subscribed in my presence and sworn to before me this 4th day of August, 1976.

(Signed) Allen J. Beermann, Notary Public

(SEAL)
*Appointed - Replaces Eugene Mahoney, resigned
*Constitution of the State of Nebraska,
Article XV, Section One.

RESIGNATION

November 22, 1976

The Honorable J. James Exon
Governor, State of Nebraska
2nd Floor, N.E.
State Capitol Building
Lincoln, Nebraska 68509

Dear Jim:

I hereby tender my resignation as State Senator from the 19th Legislative District effective at the conclusion of the month of November.

I will be assuming my duties as Executive Director of the Legislature as of December 1, 1976.

Yours truly,

(Signed) J. W. Burbach

JWB:sd

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1977

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 Elroy Hefner as Member of the Legislature from the Nineteenth (19th) Legislative

District for the unexpired term of Jules Burbach, resigned.

Sincerely yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosures

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that ELROY HEFNER has been appointed a Member of the Nebraska State Unicameral Legislature from the Nineteenth (19th) District for the unexpired term of Jules Burbach, resigned, for the term beginning November 30, 1976, 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 fifth day of January in the year of our Lord, one thousand nine hundred and seventy-seven.

(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 ELROY HEFNER of Coleridge, Nebraska 68727 to the office of Member of Unicameral Legislature - 19th Legislative District to do and perform all the duties of said office for the term beginning November 30, 1976 for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until January 4, 1977 said appointee succeeds Jules Burbach, resigned.

Done at Lincoln, Nebraska, this 30th day of November A.D. 1976.

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

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

"I Elroy Hefner, 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-19th District according to the best of my ability, and that at the election at which I was chosen to fill said office, 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) Elroy Hefner

Subscribed in my presence and sworn to before me this 3rd day of December, 1976.

(Signed) Allen J. Beermann
Notary Public

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

RESIGNATION

December 1, 1976

The Honorable J. J. Exon
Governor, State of Nebraska
Capitol Building
Lincoln, Nebraska 68509

Dear Jim:

My letter to you today is one of the most difficult I have ever written. It is time to notify you that my official resignation from the Nebraska Legislature will be effective as of December 31, 1976.

When you have chosen my successor, I hope you will extend me the courtesy of knowing your selection before the public announcement is made as I have a very deep interest in the representation of the 46th District.

In retrospect, the challenge of the trying as well as the rewarding encounters between the Unicameral and the Governor will be well remembered as well as the suspense involved in not knowing what you were cooking up for us!

As a Public Service Commissioner I will now be given the opportunity to learn how the executive branch functions.

Good luck with the new legislators!

Sincerely,
(Signed) Harold D. Simpson, Senator
46th District

HDSms

MESSAGE FROM THE SECRETARY OF STATE

January 5, 1977

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

Dear Mr. Brown:

I hand you herewith a certificate of the official appointment and oath of Jo Ann Maxey as a member of the Unicameral Legislature from the Forty-sixth (46th) Legislative District for the unexpired term of Harold Simpson (resigned).

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

Enclosure

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that JO ANN MAXEY has been appointed a Member of the Nebraska State Unicameral Legislature from the Forty-sixth (46th) Legislative District for the unexpired term of Harold Simpson, resigned, for the term beginning January 1, 1977, for such time as she shall satisfactorily perform all of 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 of the State of

Nebraska 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 fifth day of January in the year of our Lord, one thousand nine hundred and seventy-seven.

(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 JO ANN MAXEY of 2800 S Street, Lincoln, Nebraska 68503 to the office of Member of Unicameral Legislature - 46th District to do and perform all the duties of said office for the term beginning January 1, 1977 for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until January 3, 1979. Said appointee succeeds Harold Simpson, resigned.

Done at Lincoln, Nebraska, this 23rd day of January A.D. 1976.

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

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

"I Jo Ann Maxey, 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 Legislature District 46 according to the best of my ability, and that at the *election at which I was chosen to fill said office, 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) Jo Ann Maxey

Subscribed in my presence and sworn to before me this 3rd day of January, 1977.

(Signed) Allen J. Beermann
Notary Public

(SEAL)
*Appointed - Replaces Harold Simpson, resigned
*Constitution of the State of Nebraska,
Article XV, Section One.

MOTION–Escort Chief Justice

Mr. Hasebroock 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 41 ayes, 0 nays and 8 not voting.

The Chair appointed Messrs. Bereuter, DeCamp, Fowler, Maresh and Mills to serve on said committee.

EASE

The Legislature was at ease from 10:39 a.m. until 10:45 a.m.

The Committee escorted Chief Justice Paul White to the rostrum where he administered the oath of office to the newly elected and appointed Senators.

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 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.

Keith M. Boughn
Ernest Chambers
S. Cullan
Steve Fowler
Martin F. Kahle
Orval A. Keyes
Howard Lamb
Shirley Marsh
Jo Ann Maxey
J. R. Murphy
Dennis L. Rasmussen
Loran Schmit
Patrick Venditte
Robert L. Clark
Elroy M. Hefner
Ralph D. Kelly
Bernice R. Labedz
Frank Lewis
Richard D. Marvel
Nelson Merz
David R. Newell
B. L. Reutzel
Neil Simon
Jerome Warner

STATE OF MINNESOTA)
) ss.
County of Olmsted)

"I HERBERT DUIS, 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, Unicameral Legislature, Dist. 39, according to the best of my ability, and that at the election at which I was chosen to fill said office, 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) Herbert Duis

Subscribed in my presence and sworn to before me this 30th day of December, 1976.

(Signed) Sister Mary Corona
Notary Public

(SEAL)

Filed Jan 03 1977

(Signed) Allen J. Beermann
Secretary of State

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

Subscribed in my presence and sworn to before me this fifth day of January, 1977.

(Signed) Paul White
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION–Election of Permanent Officers

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

Clerk of the Legislature	Vincent D. Brown
Assistant Clerk of the Legislature	Pat O'Donnell
Sergeant at Arms	Ray Wilson
Chaplain	Dr. Robert Palmer

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

MOTION–Election of Speaker

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

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

Nominations for Speaker

Mr. Hasebroock nominated Mr. Luedtke.

Mr. Rasmussen nominated Mr. Kelly.

Mr. DeCamp moved the nominations close. The motion prevailed.

The Chair appointed Messrs. Schmit, F. Lewis, and Goodrich as tellers.

Ballot on Speaker

Luedtke	26
Kelly	20
	46

The Chair declares Mr. Luedtke duly elected Speaker.

Mr. Luedtke thanked the members.

MOTION—Escort Chief Justice

Mr. Schmit 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 with 35 ayes, 0 nays and 14 not voting.

The Chair appointed Messrs. Burrows, Dworak, Koch, George, and Fitzgerald to serve on said committee.

EASE

The Legislature was at Ease from 11:03 a.m. until 11:11 a.m.

The Committee escorted Chief Justice Paul White to the rostrum to administer the 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	Roland A. Luedtke
Clerk	Vincent D. Brown
Assistant Clerk	Patrick O'Donnell
Sergeant at Arms	Ray Wilson
Chaplain	Dr. Robert Palmer

Subscribed in my presence and sworn to before me this 5th Day of January, 1977.

(Signed) Paul White
Chief Justice

The Committee escorted the Chief Justice from the Chamber.

MOTION–Committee on Committees Chairman

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

The motion prevailed with 41 ayes, 0 nays and 8 not voting.

Mr. Marvel nominated Mr. Savage.

Mr. F. Lewis moved the nomination close and unanimous ballot be declared for Mr. Savage.

The motion prevailed.

The Chair declared Mr. Savage duly elected.

MOTION–Election of Chairman of Executive Board

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

The motion prevailed with 42 ayes, 0 nays and 7 not voting.

Mr. R. Lewis nominated Mr. Marvel.

Mrs. Marsh moved a unanimous ballot be declared for Mr. Marvel. The motion prevailed.

The Chair declared Mr. Marvel duly elected Chairman of Executive Board.

MOTION—Election of Vice-Chairman of Executive Board

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

The motion prevailed with 43 ayes, 0 nays and 6 not voting.

Mr. Warner nominated Mr. Stoney.

Mr. George nominated Mr. Mills.

Mr. Clark moved the nomination close and we proceed to ballot. The motion prevailed.

The Chair appointed Messrs. Marvel, Barnett, and R. Lewis as tellers.

First Ballot on Vice-Chairman Executive Board

Stoney	21
Mills	24
	45

Second Ballot on Vice-Chairman Executive Board

Stoney	19
Mills	28
	47

The Chair declared Mr. Mills duly elected Vice-Chairman of the Executive Board.

MOTION—Executive Board Members

Mr. Kelly moved to 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 with 34 ayes, 0 nays and 15 not voting.

Mr. Mills nominated Messrs. R. Lewis and Nichol from District 3.

Mr. Koch nominated Messrs. Stoney and Savage from District 2.

The Legislature was at Ease from 11:37 a.m. until 11:42 a.m.

Mr. Barnett nominated Messrs. Bereuter and Fowler from District 1.

Messrs. Bereuter, Fowler, Stoney, Savage, R. Lewis and Nichol were elected to the Executive Board by a vote of 43 ayes, 0 nays and 6 not voting.

MOTION–Committee on Committees Members

Mr. Marvel 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 with 38 ayes, 0 nays and 11 not voting.

REPORT OF DISTRICTS

District No. 1	District No. 2
Marsh	Moylan
Burrows	Labedz
F. Lewis	Koch
District No. 3	**District No. 4**
Murphy	Cope
Dworak	Rasmussen
DeCamp	Mills

Mrs. Marsh moved the approval of the nominees to the Committee on Committees.

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

MOTION–Elect Committee Chairmen

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

The motion prevailed with 45 ayes, 0 nays and 4 not voting.

CHAIRMAN–Agriculture and Environment

Mrs. Labedz nominated Mr. Schmit.

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

The Chair declared Mr. Schmit elected Chairman of Agriculture and Environment Committee.

CHAIRMAN–Appropriations

Mr. Dworak nominated Mr. Goodrich.

Mr. Kelly nominated Mr. Warner.

The Chair declared the nominations closed.

The Chair appointed Messrs. Clark, Carsten and Swigart as tellers.

Goodrich	19
Warner	28
	47

The Chair declared Mr. Warner duly elected Chairman of Appropriations Committee.

CHAIRMAN–Banking, Commerce and Insurance

Mr. F. Lewis nominated Mr. DeCamp.

Mr. Bereuter nominated Mr. Murphy.

The Chair declared the nominations closed.

The Chair appointed Messrs. Hasebroock, Newell, and Moylan as tellers.

DeCamp	28
Murphy	19
	47

The Chair declared Mr. DeCamp duly elected Chairman of Banking, Commerce and Insurance Committee.

CHAIRMAN–Constitutional Revision and Recreation

Mr. Mills nominated Mr. Dworak.

Mr. Stoney nominated Mr. Koch.

The Chair declared the nominations closed.

The Chair appointed Messrs. Lamb, Keyes, and Burrows as tellers.

First Ballot on Chairman of Constitutional Revision and Recreation

Dworak	23
Koch	23
	46

Second Ballot on Chairman of Constitutional Revision and Recreation

Dworak	24
Koch	23
	47

Third Ballot on Chairman of Constitutional Revision and Recreation

Dworak	21
Koch	26
	47

The Chair declared Mr. Koch duly elected Chairman of Constitutional Revision and Recreation Committee.

ANNOUNCEMENT

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

CHAIRMAN–Education

Mr. Rumery nominated Mr. F. Lewis.

Mr. Barnett moved the nominations close and a unanimous ballot be cast for Mr. F. Lewis. The motion prevailed.

The Chair declared Mr. F. Lewis duly elected Chairman of Education Committee.

CHAIRMAN–Government, Military and Veterans Affairs

Mr. Hasebroock nominated Mr. Rasmussen.

Mr. DeCamp declared the nomination close and unanimous ballot be cast for Mr. Rasmussen. The motion prevailed.

The Chair declared Mr. Rasmussen duly elected Chairman of Government, Military and Veterans Affairs Committee.

CHAIRMAN–Judiciary

Mr. Savage nominated Mr. Chambers.

Mr. Nichol nominated Mr. Barnett.

The Chair appointed Messrs. Reutzel, Venditte and Cullan as tellers.

Chambers	19
Barnett	28
	47

The Chair declared Mr. Barnett duly elected Chairman of the Judiciary Committee.

CHAIRMAN–Labor

Mr. Moylan nominated Mr. Maresh.

Mr. Bereuter moved the nominations close and a unanimous ballot be declared for Mr. Maresh. The motion prevailed.

The Chair declared Mr. Maresh duly elected Chairman of the Labor Committee.

CHAIRMAN–Miscellaneous Subjects

Mr. Marvel nominated Mr. Clark.

Mr. Koch nominated Mr. Dworak.

The Chair declared the nominations closed.

The Chair appointed Messrs. Kelly, Kahle and Mrs. Marsh as tellers.

Clark	16
Dworak	31
	47

The Chair declared Mr. Dworak duly elected Chairman of the Miscellaneous Subjects Committee.

CHAIRMAN–Public Health and Welfare

Mr. Moylan nominated Mr. R. Lewis.

Mr. Warner moved the nominations close and a unanimous ballot be cast for Mr. R. Lewis. The motion prevailed.

The Chair declared Mr. R. Lewis duly elected Chairman of the Public Health and Welfare Committee.

CHAIRMAN–Public Works

Mr. Mills nominated Mr. Kremer.

Mr. Savage moved the nominations close and a unanimous ballot be cast for Mr. Kremer. The motion prevailed.

The Chair declared Mr. Kremer duly elected Chairman of the Public Works Committee.

CHAIRMAN–Revenue

Mr. Warner nominated Mr. Carsten.

Mr. Goodrich nominated Mr. Keyes.

The Chair declared the nomination closed.

The Chair appointed Messrs. Simon, Rasmussen and Boughn as tellers.

Carsten	22
Keyes	25
	47

The Chair declared Mr. Keyes duly elected Chairman of Revenue Committee.

CHAIRMAN–Urban Affairs

Mr. Cope nominated Mr. George.

Mr. Fitzgerald nominated Mr. Fowler.

The Chair declared the nomination closed.

The Chair appointed Mrs. Maxey and Messrs. Koch and Murphy as tellers.

George	26
Fowler	21
	47

The Chair declared Mr. George duly elected Chairman of Urban Affairs Committee.

MOTION—Special and Select Committees

Mr. R. Lewis moved that 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 with 38 ayes, 0 nays and 11 not voting.

CHAIRMAN—Intergovernmental Cooperation

Mr. Clark nominated Mrs. Marsh.

Mr. Murphy nominated Mr. Stoney.

The Chair declared the nomination closed.

The Chair appointed Messrs. DeCamp, Merz and Kremer as tellers.

Marsh	16
Stoney	30
	46

The Chair declared Mr. Stoney duly elected Chairman of Intergovernmental Cooperation Committee.

CHAIRMAN—E & R Committee

Mr. Mills nominated Mr. Cullan.

Mr. F. Lewis moved the nomination close and unanimous ballot be declared for Mr. Cullan. The motion prevailed.

The Chair declared Mr. Cullan duly elected Chairman of E & R Committee.

CHAIRMAN—Rules

Mr. Luedtke nominated Mr. DeCamp.

Mr. R. Lewis nominated Mr. Bereuter.

The Chair declared the nomination closed.

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

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

Mr. Bereuter asked unanimous consent to defer action on nomination and election of Rules Chairman until the end of the agenda. No objections. So ordered.

EASE

The Legislature was at Ease from 1:41 p.m. until 1:53 p.m. to caucus for the Conflict of Interest Senate members.

Nominations for Conflicts of Interest Committee

District 1	Maresh
District 2	Moylan
District 3	Hasebroock
District 4	Clark

The above members were elected by a vote of 30 ayes, 0 nays and 19 not voting.

Administrative Agency Rules & Regulations Members

District 1	District 2	District 3
Bereuter	Moylan	Lamb
Fowler	Swigart	Duis
Reutzel	Newell	R. Lewis

The above members were elected by a vote of 33 ayes, 0 nays and 16 not voting.

UNANIMOUS CONSENT—Defer Action

Speaker Luedtke asked unanimous consent to defer action on the nominations for the Nebraska Accountability and Disclosure Committee. No objections. So ordered.

MOTION—Election Returns

Mr. Burrows 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 1976.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

The Chair appointed Messrs. Cope, Fitzgerald and George to serve on said committee.

The Committee escorted Secretary of State Allen Beermann to the rostrum where he delivered the following report.

REPORT OF SECRETARY OF STATE

January 5, 1977

Speaker of the Legislature
Eighty-fifth Session, Regular (First Session)
Legislature of Nebraska, Unicameral
State Capitol
Lincoln, Nebraska 68509

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 Bicentennial General Election held on November 2, 1976, for the offices of Members of the Public Service Commission, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-4,110, R.S. 1943, Reissue of 1974 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I call to your attention that in the November 2, 1976, General Election, only two State Executive Elective offices appeared on the ballot, that of Public Service Commission, District One (First) and District Three (Third).

I also deliver to you under Seal, the names of candidates receiving the highest number of votes for the particular office and District enumerated. The certificate of the Secretary of State accompanies the listed names.

The original abstract sheets containing the tabulation of votes for the candidates for the Public Service Commission in the various counties of said Districts, covering the General Election of November 2, 1976, which constitutes a part of the official record of the State Board of Canvassers, is submitted for your examination.

Inasmuch as this canvass sheet is a part of the records of the office of the Secretary of State, I respectfully request that it be returned to our office files immediately upon the completion of your Official Canvass.

Respectfully submitted,

(Signed) ALLEN J. Beermann
Secretary of State

Certificate Attached
Attendant to Deliver - 93 County Abstracts (SEAL)

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of the candidates for office of Member of the Public Service Commission, District One (First) and District Three (Third), receiving the highest number of votes cast at the Bicentennial General Election in the State of Nebraska, held on November 2, 1976.

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

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

STATE EXECUTIVE OFFICIALS
ELECTED AT THE 1976 GENERAL ELECTION

Public Service Commission, District One (First)
Harold D. Simpson (R)* 54,209 Votes
*Republican

Public Service Commission, District Three (Third)
Duane Gay (R)* 67,190 Votes
*Republican

The Secretary of State was escorted from the Chamber.

Mr. George moved that the report of the Secretary of State be approved as presented and the candidates stated therein be declared duly elected. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

MOTION–Notify Governor

Mr. Stoney 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 with 28 ayes, 0 nays and 21 not voting.

The Chair appointed Messrs. Kelly, Nichol, Rumery, Stoney and Swigart to serve on said Committee.

EASE

The Legislature was at ease from 2:18 p.m. until 2:30 p.m.

The Committee escorted Governor J. James Exon to the rostrum. Governor Exon delivered his welcome message to the members.

The Committee escorted the Governor from the Chamber.

MOTION—Inaugural Ceremonies

Mr. Goodrich moved that we arrange to hold ceremonies for the newly elected State Officers on Thursday, January 6, 1977 at 2:00 p.m. The motion prevailed.

MOTION—Bills and Journals

Mr. Dworak moved that we provide weekly mailing of all bills and journals without cost to the County Clerks and provide boxes to the State Agencies, without cost. The motion prevailed.

MOTION—Telecommunications Committee

Mr. Clark moved that LR 69 setting up a Telecommunications Committee, found on page 1287 of the 1972 Legislative Journal, be renewed. The motion prevailed.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 9:00 a.m., on Thursday, January 6, 1977 in room 2102.

CHAIRMAN—Rules Committee

Mr. Bereuter nominated Mr. DeCamp.

The Chair declared the nominations closed.

Mr. F. Lewis moved Mr. DeCamp be unanimously elected. The motion prevailed. The Chair declared Mr. DeCamp duly elected Chairman of the Rules Committee.

ANNOUNCEMENT

Mr. Savage announced the Committee on Committees will meet in room 1019 at 3:30 p.m. today.

ADJOURNMENT

At 2:47 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 10:00 a.m., Thursday, January 6, 1977.

Vincent D. Brown
Clerk of the Legislature

SECOND DAY—JANUARY 6, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 6, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan 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 the members were present except Messrs. Brennan and Duis who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the First Day was approved.

OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

"I Bill Brennan, 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, Nebraska Unicameral Legislature, Dist. No. 9 according to the best of my ability, and that at the election at which I was chosen to fill said office, 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) Bill Brennan

Subscribed in my presence and sworn to before me this 5th day of January, 1977.

(Signed) Donald J. Hamilton
District Judge, 4th District

(SEAL)

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

MOTION–Adopt Rules

Mr. DeCamp moved to adopt the rules as now in our possession.

Mr. DeCamp offered the following amendments to the motion:
No. 1 Rule 7 - Proceedings and Motions
In odd-numbered years the Legislature shall meet for two consecutive days after the body first convenes for the exclusive purpose of seating new members, establishing internal organization and consideration of changes in rules of the body. The Legislature shall then recess until the second Monday in January which shall constitute the third legislative day devoted exclusively to introduction of bills. The body shall then recess until the third Monday in January which shall constitute the fourth legislative day. On this day the Legislature shall proceed with its regular business.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 22:

DeCamp	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Koch
F. Lewis	R. Lewis	Luedtke	Marsh	Maxey
Merz	Newell	Rumery	Schmit	Simon
Venditte	Warner			

Voting in the negative, 22:

Barnett	Bereuter	Burrows	Carsten	Chambers
Clark	Cope	Cullan	Kelly	Kremer
Labedz	Lamb	Maresh	Mills	Moylan
Murphy	Nichol	Rasmussen	Reutzel	Savage
Stoney	Swigart			

Not voting, 5:

Boughn	Brennan	Duis	Keyes	Marvel

The amendment lost with 22 ayes, 22 nays and 5 not voting.

No. 2 – Rule 6 - Bills - Stages of Consideration
Sec. 2. After Section 2 (d) insert new subsection (2) as follows:
(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event such motions shall alternatively be passed by unanimous consent of the body.
Renumber present subsection (e) through (h) as (f) through (i) respectively.

The amendment was adopted with 36 ayes, 0 nays and 13 not voting.

No. 3 – In Rule 3, Sec. 2, rename the Labor Committee to read "Business and Labor".

The amendment was adopted with 30 ayes, 10 nays and 9 not voting.

No. 4–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 bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the bill drafter. In order to shorten the length of sections, the bill drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The bill drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the bill drafter unless requested or authorized by a member of the Legislature.

Rule 3, section 18 (c) iii. When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard ~~emergency~~ clause or section and make the necessary change in the title, the chairman of Enrollment and Review shall also have the authority to add to the engrossed bill the standard ~~emergency~~ clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his reports and recommendations to the Legislature or making any special record thereof.

The amendment was adopted with 30 ayes, 4 nays and 14 not voting.

No. 5 – Strike all of Section 10, Rule 2 and insert the following:

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

The amendment was adopted with 26 ayes, 9 nays and 14 not voting.

No. 6 – Rule 5 - Bills. Section 5. (b) Add the following:

During the first regular session of each Legislature no committee shall submit more than five bills.

During the second regular session of each Legislature no committee shall introduce more than three bills.

In each regular session of the Legislature any committee may introduce no more than three additional bills resulting from interim studies. Any bill resulting from an interim study may be introduced by a committee only if such bill was prepared under authority of a legislative resolution.

There shall be no limitation on the number of appropriation bills which may be introduced.

(d) In the first regular ~~sessions~~ session of each Legislature each member shall be limited as an introducer or co-introducer to a total of ~~10~~ 12 bills for the period of introduction of bills by individual members. No bills shall be introduced by any member during the second regular session. Any bill withdrawn by a member during the introduction period shall be counted in the limitation of ~~10~~ 12 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 3, Sec. 3a will not be included in the limitation.

Mr. Newell offered the following amendment to the above amendment No. 6.
To Substitute
Limiting 10 bills in 90 day Session
Limiting 6 bills in 60 day Session
No Limits on Committees bills.

The Newell amendment lost with 20 ayes, 20 nays and 9 not voting.

Mr. Newell moved for a Call of the House. The motion lost with 8 ayes, 26 nays and 15 not voting.

Mr. Chambers offered the following amendment to the above amendment No. 6.:
Rule 5, Sec. 5(d) strike existing matter and insert:
"There shall be no limitation on the number of bills introduced by any member."
Strike all existing matter.

Amendment pending.

Speaker Luedtke requested we proceed to business on the Clerk's desk at this time.

Mr. DeCamp moved to adopt our rules, as amended thus far, until 3:00 p.m. today.

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

MESSAGES FROM THE GOVERNOR

April 16, 1976

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

Dear Mr. President and Senators:

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

Joe J. Huckfeldt, Gering National Bank, Gering - to replace Daniel C. Ramsey who has resigned from the State Highway Commission

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

May 12, 1976

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 appointed Eldin J. Ehrlich Director of the Department of Public Welfare. This appointment requires legislative confirmation.

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

June 1, 1976

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Motor Vehicle Industry Licensing Board (three year terms expiring May 18, 1979) requiring legislative confirmation:

Herbert G. Andrews, 11217 No. 61st, Omaha
Robert B. Kramer, W. 17th & Ave B, Scottsbluff
Walter R. Louis, 7835 F St., Omaha

I respectfully submit these reappointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

June 3, 1976

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

Dear Mr. President and Senators:

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

Mrs. Mary Carey, 510 Hazelwood Dr., Lincoln - term expiring June 3, 1982
Mr. Norris Leamer, 2017 Dakota, South Sioux City - term expiring June 3, 1980
Mr. George Miller, 138 No. Washington, Papillion - term expiring June 3, 1978
Mr. Sam Jensen, 3535 Harney, Omaha - term expiring June 3, 1978
Mr. Ramey Whitney, 1482 5th, Chappell - term expiring June 3, 1982
Mr. Wendell W. Wood, 910 E. 8th, North Platte - term expiring June 3, 1980

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

June 11, 1976

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Commission on Fire Fighting Personnel Standards and Education requiring legislative confirmation:

Fire Chief George Arnett, 301 South Pine Street, Grand Island, Nebraska 68801 - to complete the term of Ace T. Backer who has resigned, term expiring October 27, 1980

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

July 29, 1976

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 Manufactured Housing Advisory Board requiring legislative confirmation:

For one year terms expiring July 29, 1977:
Walter Hallstein, P. O. Box 1367, Grand Island 68801
William M. Fenton, 226 Stuart Bldg, Lincoln 68508
Austin R. Way, 6300 Cornhusker Hy., Lincoln 68529

For two year terms expiring July 29, 1978:
Bennard W. Preis, 14515 Industrial Rd., Omaha 68144
Clifford B. Dudley, 1819 Farnam St., Civic Ctr., Rm 402, Omaha 68102
Ted Reeder, 11414 W. Center Road, Omaha 68144
J. E. Clemens, 1620 E. Overland Dr., Scottsbluff 69361

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

July 29, 1976

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

Dear Mr. President and Senators:

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

Arthur C. Johnson, 8721 Indian Hills Drive, Omaha 68114 to succeed the late Conrad A. Lawrence - term expiring September 18, 1978

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

July 29, 1976

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

Dear Mr. President and Senators:

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

Bruce Peters, 2319 E. Military, Fremont 68025 - term expiring August 4, 1981

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

July 29, 1976

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

Dear Mr. President and Senators:

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

Robert G. Lueder, Suite 500, 11128 John Galt Blvd., Omaha - term expiring July 1, 1977 (succeeds Carlin Whitesell, deceased)

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

August 24, 1976

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

Dear Mr. President and Senators:

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

Charles L. Thomsen (engineer), 1515 Sharp Building, Lincoln - succeeds Austin R. Way, resigned, term expiring July 29, 1977.

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

August 24, 1976

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

Dear Mr. President and Senators:

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

Donald F. McGinley, 401 East A, Ogallala, Nebraska 69153 - succeeds W. Rudolph, resigned, term expiring June 9, 1977

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

August 31, 1976

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Nebraska Arts Council for a three year term expiring September 2, 1979, requiring legislative confirmation:

R. Jerry Hargitt, 100 South 19th, Omaha 68102

And the following were reappointed for three year terms:

Mrs. Jane Gilmore, 1800 So. 79th St., Omaha
Paul Amen, 2770 Woodscrest, Lincoln
Dr. James Thayer, 1645 Illinois, Sidney
Mrs. Tom Creigh, 1650 N. Elm, Hastings

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

September 3, 1976

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 Special Education Appeal Board requiring legislative confirmation:

Terms expiring September 3, 1977:
Marjorie Hartnett, Creighton University, Omaha
Mrs. Jack Stark, 9611 Nina, Omaha
Dorothy Ley, 518 Hillcrest Road, Wayne

Terms expiring September 3, 1978:
Dr. Mary Krider, 4264 A St., Lincoln
Dr. Warren Bosley, 416 W. Division, Grand Island
Marjorie Sederberg, 804 South 12th, Beatrice

Terms expiring September 3, 1979:
E. A. Cook III, Lexington, Box 100
Mrs. Polly Feis, P.O. Box 2047, Hastings
Robert Snow, 3430 Washington, Lincoln

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

September 24, 1976

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

Dear Mr. President and Senators:

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

Paul A. Sarnecki - State Fire Marshal

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

September 24, 1976

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

Dear Mr. President and Senators:

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

Paul C. Schorr III, 2835 Bonacum, Lincoln - 5-year term expiring September 13, 1981

I respectfully submit this reappointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

September 24, 1976

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

Dear Mr. President and Senators:

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

Clifford Williams, International Sensor Systems, Inc., Industrial Site West Hwy 34, Aurora - term expiring July 1, 1979 (succeeds Allan Strunk)

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

September 27, 1976

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

Dear Mr. President and Senators:

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

Dr. Ben Meckel, 280 North 8th, Burwell, Nebraska - to replace William B. Quigley, resigned, term expiring September 14, 1977

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

September 24, 1976

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

Dear Mr. President and Senators:

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

Charles E. Blair, 739 North Pine, Hastings - 5-year term expiring September 18, 1981.

I respectfully submit this reappointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

October 12, 1976

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

Dear Mr. President and Senators:

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

Ralph Lubeck, Stamford, Nebraska - to replace Wallace L. Farrar of Maywood whose term has expired. Term expires October 1, 1981.

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

October 15, 1976

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

Dear Mr. President and Senators:

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

Doris D. Collins, 1060 So. 32nd St., Lincoln - succeeds Marshall M. Tate, resigned - term expiring September 9, 1981
Edward M. Rowley, 1960 South 53rd, Lincoln - reappointment, term expiring September 9, 1982

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

November 1, 1976

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

Dear Mr. President and Senators:

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

Dale F. Sailors, 2112 Harney, Omaha 68102, for three year term expiring October 19, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

December 1, 1976

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

Dear Mr. President and Senators:

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

Helen Lassek, P. O. Box 83248, Lincoln, for term expiring August 4, 1979

I respectfully submit this reappointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do

December 17, 1976

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

Dear Mr. President and Senators:

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

M. Berri Balka - Director of Department of Insurance to serve at the pleasure of the Governor

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do
cc: M. Berri Balka
Committee on Committees

MESSAGE FROM THE SECRETARY OF STATE

January 6, 1977

Speaker of the Legislature
Eighty-fifth Legislature, Regular (First Session)
State Capitol
Lincoln, Nebraska 68509

Honorable Speaker:

I am submitting to you a certificate stating that the bonds and oaths for the following elected officials, for the terms beginning the 6th day of January, 1977, and ending as prescribed by law are on file in the office of the Secretary of State.

Public Service Commissioner
District One (First) Harold D. Simpson

Public Service Commissioner
District Three (Third) Duane Gay

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

Public Service Commissioner
District One (First) Harold D. Simpson

Public Service Commissioner
District Three (Third) Duane Gay

For Judge of the Nebraska Workmen's
Compensation Court Ben Novicoff

For Judge of the Nebraska Workmen's
Compensation Court Paul E. LeClair

For Judge of the Nebraska Workmen's
Compensation Court Mark A. Buchholz

Regent - University of Nebraska
District Three (Third) Kermit Wagner

Regent - University of Nebraska
District Four (Fourth) Robert J. Prokop

Regent - University of Nebraska
District Five (Fifth) Robert R. Koefoot

Regent - University of Nebraska
District Eight (Eighth) James H. Moylan

Member - State Board of Education
District One (First) Frank E. Landis

Member - State Board of Education
District Two (Second) James H. Monahan

Member - State Board of Education
District Three (Third) Walter M. Thompson

Member - State Board of Education
District Four (Fourth) Don H. Lienemann

Respectfully submitted,
(Signed) ALLEN J. BEERMANN
Secretary of State

Attachment - Certificate (SEAL)

CERTIFICATE

I, ALLEN J. BEERMANN, Secretary of State of the State of Nebraska do hereby certify that

Public Service Commissioner
District One (First) Harold D. Simpson

Public Service Commissioner
District Three (Third) Duane Gay

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 Harold D. Simpson, Duane Gay, Public Service Commissioners; Ben Novicoff, Paul E. LeClair, Mark A. Buchholz, Judges of the Workmen's Compensation Court; Kermit Wagner, Robert J. Prokop, Robert R. Koefoot, James H. Moylan, Regents of the University of Nebraska; and Frank E. Landis, James H. Monahan, Walter M. Thompson, Don H. Lienemann, Members of the State Board of Education.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

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

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

ATTORNEY GENERAL'S OPINIONS

Opinion No. 222
April 30, 1976

Dear Senator George:

In your letter of March 31, 1976, you called our attention to LB 954, which was introduced in 1976, but which was not acted upon. You ask us a number of questions about the bill, and we assume that the questions are asked in the anticipation that the bill, or a similar one, will be introduced at the next session of the Legislature.

The bill, briefly, provided that the producers of any agricultural commodity could, by a procedure spelled out in the bill, provide for a commodity program for that particular commodity, to be administered by a commodity board. The expenses of the board were to be financed by assessments deducted from the sales price of the commodity by the first purchaser of the commodity, and remitted to the State Treasurer, to be placed in a special fund for that particular commodity program. The bill further provided that any producer who had an assessment deducted from the sale price of the commodity could, by making application to the board, have the assessment which had been deducted refunded to him.

In an opinion of this office dated March 17, 1975, Opinion No. 46, we considered the question of whether or not it was proper for the commodity 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 official. We concluded that the proposed legislation was not clearly invalid with respect to the matter inquired about. We are enclosing a copy of that opinion herein.

We do, however, feel that the assessments provided for are taxes. The Supreme Court of Texas considered this question in a very similar situation in Conlen Grain & Mercantile, Inc. v. Texas Grain Sorghum Producers Board, 519 S.W.2d 620 (1975), and concluded that the assessments were taxes. The levying of taxes is clearly a legislative function, and there would appear to be serious question as to the propriety of delegating this function to the commodity boards, or to the producers of the commodity who may vote in an election conducted pursuant to the statute. In this respect LB 954 is different from the Nebraska Soybean Resources Act, sections 2-3301 to 2-3324, 1975 Supp. Section 2-3316, 1975 Supp., fixes the fee to be collected at not to exceed one cent per bushel, although it does make provision for the reduction of such fee by the board, in the event that the amount it yields is excessive. In any event, we question whether the Legislature can delegate to a commodity board the legislative function of levying a tax.

You have asked several other questions in connection with this bill which we do not feel it necessary to answer at this time, in view of our

previous discussion. You also ask whether it is constitutional to grant executive authority to the commodity board. We are not precisely sure of what your question is with respect to this matter, or what you mean by "executive authority." We will therefore not comment on this, pending further clarification of your question. You have also asked about the lack of provision for power for the commodity board to make rules and regulations, and ask whether there is compelling legal reason for granting this power. In the first place, there is a very serious question as to whether the commodity boards are governmental bodies at all. As we said in our opinion of March 17, 1975, to Senator Maresh, the exact nature of these boards is certainly not clear. In any event, we are unable to perceive how a failure to grant them rule making authority would affect the constitutional validity of the bill.

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
(Enclosure Opinion No. 46 dated 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, 105N.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, 77N.W. 2d 576.

In view of the foregoing we must conclude that the procedure outline 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

Opinion No. 234
June 23, 1976

Dear Senator Frank Lewis:

You and several other state officials have asked if the State Department of Education may distribute two and one-half million dollars during July, 1976, from funds appropriated pursuant to LB 691 of the Eighty-Fourth Legislature, Second Session (1976), pursuant to Neb.Rev.Stat. Section 79-4,160 (Supp. 1974). The same is hereinafter discussed.

Neb.Rev.Stat. Section 79-4,160 (Supp. 1974) states that the "[d]istribution of funds under this section shall be made as follows: One-fourth on September 30, one-fourth on January 15, and one-fourth on March 15, which three distributions shall be based upon average daily membership for the previous school year. The final one-fourth shall be adjusted on or before July 31 so that the total distributions for the year reflect the actual average daily membership for the current year which shall be determined from reports filed by each school district by June 30." Pursuant to sections 1 and 2 of LB 610, program number 143, the Eighty-Fourth Legislature, First Session (1975), appropriated ten million dollars for distribution under the provisions of Neb.Rev.Stat. Sections

79-4,160 to 79-4,168 (Supp. 1974) for the period of July 1, 1975, to June 30, 1976.

However, Neb.Rev.Stat. Section 79-4,160 (Supp. 1974) was amended by section 7 of LB 3 on November 14, 1975, at a special session of the Eighty-Fourth Legislature. That amendment, which is operative through June 30, 1976, states that "[d]istribution of funds under this section shall be made as follows: One-fourth on September 30, one-fourth on January 15, and one-fourth on March 15, which three distributions shall be based upon average daily membership for the previous school year, except that for the period commencing December 1, 1975, and ending June 30, 1976, the amount yet to be paid each school district shall be distributed in seven, as nearly as possible, equal monthly payments between the third and fifteenth day of each month. . . ."

It will be observed that this amendment does not authorize any payments in July, 1976, or in August, 1976. It should also be observed that Neb.Rev.Stat. Section 79-4,160 (Supp. 1974), as amended by section 7 of LB 3, Eighty-Fourth Legislature, First Special Session (1975), was amended by section 7 of LB 903, Eighty-Fourth Legislature, Second Session (1976). Pursuant to section 13 of LB 903, supra, that amendment becomes operative on July 1, 1976. Consequently, as of July 1, 1976, Neb.Rev.Stat. Section 79-4,160, as amended, will read as follows:

> ". . . .
> ". . . . The State Department of Education shall determine the amount to be distributed to the various school districts and certify such amounts to the Director of Administrative Services. Each amount shall be distributed in ten as nearly as possible equal monthly payments, beginning in September, 1976, and each September thereafter. . . . ."

It will be observed that as of this date, June 23, 1976, the statute very clearly states "beginning in September, 1976, and each September thereafter," ten monthly payments are to be distributed to school districts. It is equally clear that it does not authorize payment in July, 1976, or in August, 1976.

Section 25 of Article III of the Constitution of Nebraska, in part, declares:

> ". . . No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law, and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution."

As demonstrated above, there is no statutory authority whereby the State Department of Education may make a lawful payment of money to

local school districts in July, 1976, or in August, 1976, pursuant to Neb.Rev.Stat. Section 79-4,160, as amended. Money simply cannot be drawn from the treasury except in pursuance of a specific appropriation made by law.

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

Opinion No. 235
June 24, 1976

Dear Senator Skarda:

In your letter of June 14, 1976, you indicate that you are considering having introduced legislation, the purpose of which would be to repeal section 52-182, R.R.S. 1943.

This section currently prohibits corporations holding liquor licenses in this state and their officers, employees, agents and representatives from making contributions directly or indirectly to any political party, candidate for political office, or nomineee for any political office.

You have asked for our opinion as to the constitutionality of this statute. This statute was initially enacted in 1935 and we are aware of no instance where the Nebraska Supreme Court has considered the constitutionality of the prohibitions contained within this statute.

From an examination of the relevant decisions of our Supreme Court generally relating to the control by the Legislature of alcoholic beverages it is difficult to say, with any degree of certainty, how the court would rule on this specific question. For example in Central Markets West, Inc. v. State of Nebraska, 186 Neb. 79, 180 N.W.2d 880 (1970), the court upheld a statute which prohibited volume discounts from wholesalers to retailers of intoxicating liquors. The court in Tom & Jerry, Inc. v. Nebraska Liquor Control Commission, 183 Neb. 410, 160 N.W.2d 232 (1968), upheld a statutory provision prohibiting a retailer from purchasing beer from a wholesaler on credit. In this case the court also approved the legislatively drawn distrinction between beer and liquor retailers. On the other hand, however, the court in Terry Carpenter v. Nebraska Liquor Control Commission, 175 Neb. 26, 120 N.W.2d 374 (1963) held that a rule of the Liquor Control Commission setting price schedules for beer and liquor and prohibiting their sale at less than these prices was invalid as it constituted impermissible price fixing.

The Nebraska Supreme Court has on occasion set forth the standards by which legislation such as the provisions of section 53-182, R.R.S. 1943, would be judged. Set out below, is a synopsis of the various considerations and standards to which our Supreme Court has referred.

Our court has held the basic determination which must be made, is whether the statute or regulation is in reality designed to accomplish a purpose properly falling within the scope of the police power. In every case it must appear that the ends adopted are reasonably necessary and appropriate for the accomplishment of a legitimate object within the domain of the police power. Central Markets West, Inc. v. State of Nebraska, supra.

The police power is an attribute of state sovereignty and within the limitations of state and federal constitutions, the state may in its exercise of this power, enact laws for the promotion of the public safety, health, morals and generally for the public welfare. State v. Geest, 118 Neb. 562, 225 N.W. 709. The extent to which the Legislature may go in the exercise of the police power is primarily a matter of legislative judgment but the purpose of the regulatory measure must be legitimate and the means employed to affect it must be reasonable. Central Markets West, Inc., supra.

Our court has held that the liquor industry is one in which the public has a significant interest such as to warrant regulation under this police power. Historically the liquor industry has been regarded as one warranting what may well be regarded as stringent regulation. It is evident that this industry is regarded as more susceptible to regulation and to regulation in a greater degree under the police power than almost any other occupation. Central Markets West, Inc., supra.

The Supreme Court has held that it is the duty of the Legislature to use its judgment in exercising this police power of the state. The presumption is that any such law enacted by the Legislature is constitutional and it is only when the courts determine that an enacted law invades personal and property rights protected by the Constitution, that the constitutionality of such legislation will not be upheld. Thorin v. Burke, 146 Neb. 94, 18 N.W.2d 664.

Generally, if it appears that the Legislature has not acted arbitrarily, capriciously or in an unreasonable manner, such statutes will be upheld. The Nebraska Supreme Court has specifically held that it would indeed be ironical if the Legislature, having the authority to completely do away with certain types of businesses, were found to be lacking in authority to promulgate reasonable regulations for their control. Central Markets West, Inc., supra.

Viewed in light of the standards set out above we believe the constitutionality of the prohibitions contained within this section is suspect at best. We do not believe that there exists a legitimate nexus between prohibiting such contributions and the public safety, health, morals or welfare.

Additionally, we think that the distinction created by this statute

between individual persons holding such licenses and corporations would be difficult to defend constitutionally. However, in spite of our conclusion that this statute is most probably constitutionally defective, as we stated at the outset, given the previous holdings of our Supreme Court on related matters it is most difficult to project how our Supreme Court would hold.

In any event we hope you will find this information useful in your determination of the necessity or desirability of the repeal of section 53-182, R.R.S. 1943.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:smb
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 238
June 28, 1976

Re: Care and treatment of mentally retarded persons.

Dear Senator Burrows:

This is in reply to your letter concerning the residency requirements and responsibilities of regional mental retardation programs for the care and treatment of mentally retarded persons, to aid you in drafting new legislation on this subject.

Generally a mentally retarded person, his spouse if married, and his parents if he or she is a minor are responsible for the financial care and treatment of a mentally retarded person in the regional program which is computed in the same manner as patients at the Beatrice State Home; however, if the relatives do not pay the full amount there is no statue requiring the county of residence to pay a stated sum per day as there is for residents of the Beatrice State Home. Presumably, the interlocal agreement of each region provides for the care and treatment of the residents of that region. The regions also have the authority to contract with other regions for the payment by the region of residence to the region of nonresidence providing the treatment.

Specifically, your first inquiry concerns the residency of adults discharged from the Beatrice State Home.

The controlling statute on residence is contained in sec. 68-115, 1975 Supp. This statute relates to legal settlement for the purposes of receiving pauper's relief and provides in short that every person who has resided one year continuously in any county shall be deemed to have a legal settlement

therein; that every person who has resided one year continuously within the state but not in any one county shall have legal settlement in the county in whichhe has resided six months continuously.

The statute further provides that the time during which a person has been an inmate in any public or private charitable or penal institution or has received care at public expense shall be excluded in determining the time of residence. In the early case of Clay County v. Adams County, 69 Neb. 106, the state Supreme Court held that the legal settlement of an insane person is in the county which would be primarily responsible for the support of such person if a pauper. That is the statute mentioned above and would presumable apply to mentally retarded as well. This case has never been overruled and therefore under sec. 68-115, a person who has been discharged from a state facility would be deemed to have the same residence he had when committed to the state institution since he could not gain any residence while in the institution. However, should an adult person thereafter reside in another county for the one year or six months as outlined above he would be deemed to be a resident of the second county. Since residence is composed of not only physical presence but an intent to remain in the place where he is physically present for an indefinite time, the mental capacity of certain retarded persons to formulate such an intent might successfully be challenged by those officials who did not wish to provide aid as required to be provided to residents under the regional interlocal agreement. This, however, would have to be determined on an individual basis.

Your next question is related to the first and asks if a mentally retarded adult has established a residence in a region other than the one from which he originated before receiving programatic services whether the second region may require him to return to the first.

Section 83-1,143.07, R.S.Supp., 1974, provides as follows:

> "As of April 16, 1974 any developmentally disabled individual attending any existing regional program may continue to do so and actual costs shall be contracted and paid by the regions involved. Any developmentally disabled individual desiring to change to another region may do so with the approval of the regional directors from the region delivering the service and the region contracting for the service. Any such change shall be subject to contract and payment by the regions involved. Payment shall be based upon actual cost for the provision of the service or services exclusive of other available funds which may be utilized to support the cost of services to the individual."

While this section nor the preceding section which establishes the counties composing the various regions do not speak specifically

concerning treatment of only residents within the region without contract, we assume that each regional interlocal agreement provides for care and treatment of residents and for contracting with other regional directors under the above quoted statute if these services are to be obtained outside the region of residence.

To specifically answer your question, Amendment XIV of the United States Constitution provides in part that no state shall deny to any person the equal protection of the laws. The mental retardation regions, having taxing authority as well as having their budgets established by the Nebraska Legislature are undoubtedly governmental subdivisions and would be bound by said Constitutional provision. Therefore, assuming an adult had acquired residence within a region the region would not have the authority to deny him services solely because he had previously resided in another region.

You next ask; 3: May a mentally retarded adult move freely within the State...from one OMR Region to another to establish and be eligible for available services in the new Region? The answer to this question is yes, provided he resided for the requisite time within the new county and had the mental capacity to formulate the necessary intent discussed above.

Lastly you ask whether an OMR Regional Office may require that a mentally retarded person in a state psychiatric facility be institutionalized at the Beatrice State Home prior to consideration for replacement to their home OMR Region.

Admittance to the Beatrice State Home, sec. 83-218, provides that the Beatrice State Home shall provide residential care and humane treatment for those persons who are so mentally retarded as to require residential care etc. It further provides that when ever the Department of Public Institutions determines that continued residence in the Beatrice State Home is no longer necessary for the welfare, care, treatment or training of such person, it shall have authority to discharge or transfer such persons to any other available program or facility.

Section 83-220, R.R.S. 1943, provides that the Beatrice State Home shall receive residents only such mentally retarded persons as are committed by a juvenile court, by a county court or admitted to the institution upon application of the parent or guardian.

Actually, the regional directors have no legal authority to require the state to institutionalize a patient. However, as a practical matter, a region having limited facilities may require that certain steps be taken by the Beatrice State Home before it is willing to accept a patient in the region. This is a problem of evaluation of the patient and the facilities involved and the capability to take care of the patient as required by the Constitutions and statutes but is not a legal matter as to authority or responsibility to place a patient.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 241
July 27, 1976

Re: Antitrust implications of LB 204

Dear Senator Kelly:

In response to your letter of June 21, 1976, in which you expressed a concern that LB 204 may be in violation of antitrust law, it is our preliminary conclusion that these amendments are not in violation of the Nebraska antitrust law.

Nebraska law prohibits private restraints upon trade at section 59-801, R.R.S. 1943, and our statutes also proscribe such restraints on commerce by way of the Consumer Protection Act at section 59-1603, R.S.Supp., 1974. However, the latter law, made effective in 1974, provides that actions done pursuant to the laws as administered by "any regulatory body... acting under statutory authority" are exempted from state antitrust regulation under the Consumer Protection Act. By implication, section 59-1617, R.S.Supp., 1974, also exempts restraints upon trade made pursuant to the law as administered by the Liquor Commission from the state antitrust prohibitions under section 59-801. The reasoning behind these exemptions is simply that the state should not prosecute those whose anticompetitive conduct is done pursuant to state laws or regulations.

Federal law, by way of the Sherman Act, 15 U.S.C. section 1, et seq., provides for certain federal restraints on territorial divisions of markets. While a state may immunize certain transactions occurring within its borders from antitrust attack, the State Legislature cannot exempt practices that affect interstate commerce from the sanctions of the Sherman Act.

Because the question of whether the implimentation of LB 204 may violate federal antitrust law is primarily a matter for the Federal Trade Commission or the United States Department of Justice to resolve, we cannot make any conclusions at this stage beyond the question of immunity.

While we make no comment on the wisdom of the legislation in question nor on any other constitutional questions raised by these amendments, there does not appear to be any violation of Nebraska antitrust law. If you have any further questions in regard to this matter, please feel free to contact us.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Robert F. Bartle
Assistant Attorney General

RFB:lc
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 247
August 4, 1976

Dear Senator Burrows:

In order to appraise the adequacy of existing legislation on the subject, you have requested our opinion as to the coverage afforded by a bond issued on National Farmers' Organization, Inc., in favor of the State of Nebraska, in purported compliance with sections 88-518 and 88-519, R.R.S. 1943, as amended. Section 88-518 now provides that:

> "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 Public Service Commission. . . ."

This section was amended in 1975 so as to expressly provide for application to the handling of grain under collective bargaining arrangements such as that engaged in by the NFO. Section 88-518 further requires that the applicant for license shall furnish a surety bond, approved by the commission, conditioned that the applicant "will pay the purchase price of such grain, and that he owns, free of liens, any grain which he offers for sale."

The NFO is a farmers' organization founded for the purpose of facilitating the joint collective bargaining efforts of its members. In 1970, by and with the authorization of its membership, the NFO established the Iowa Grain Trust to handle the NFO Members' Grain Custodial Account for the specific purpose of receiving, managing, and disbursing proceeds resulting from the sale of grain by NFO members participating in the collective bargaining program. Due to financial difficulties, the Iowa Grain Trust was terminated as a recipient of such proceeds from future grain sales; and, in lieu thereof and for similar purposes, the Iowa Grain Trust

was succeeded by the Minnesota Grain Trust. Although the arrangement is fully authorized by the NFO membership, there is no specific reference in the NFO bond to either the Iowa Trust or the Minnesota Trust. Accordingly, a question has arisen as to whether the bond covers the proceeds from the sale of NFO members' grain, which proceeds are now in the custody of the NFO Members' Grain Custodial Account under the supervision and administration of the Minnesota Grain Trust.

The question referred to has been generated by the ruling of an Iowa federal district court in proceedings entitled Securities and Exchange Commission, Plaintiff, v. The National Farmers' Organization, Inc., et al., Defendants, Civ. No. 74-162-1, 74-241-1. The court held that the NFO Corporation and the Iowa Grain Trust (predecessor of the current Minnesota Grain Trust) were separate and distinct legal entities. However, it is important to note the context in which this federal court ruling was made. The sole issue there under consideration was whether Iowa Grain Trust could make a partial distribution to NFO members of grain sale proceeds which the trust had collected under the NFO collective bargaining program. There was not involved in that holding any question as to the liability of the surety under a penal bond such as that which has been furnished pursuant to Nebraska statutes. (Incidentally, an Iowa state trial court, prior to the federal court decision, had reached just the opposite conclusion and found that the NFO-Iowa Grain Trust arrangement did not have the effect of creating separate legal entities; but that holding was abased upon the technicality that the procedure pursuant to which the trust purportedly was created was defective under Iowa law and, hence, that no trust existed at all.)

For present purposes, we feel it unnecessary to become preoccupied with the technical niceties as to whether the Minnesota Grain Trust is a bona fide separate legal entity apart from the NFO. The mere fact that the grain trust might be considered a separate entity for some purposes does not compel the further conclusion that such technical separate legal identity necessarily defeats liability under the penal bond in question. There are some well-established propositions of law and rules of statutory construction which are pertinent to the subject of this inquiry.

> "While a bond is ordinarily purely a contract which, when privately given without any qualifying laws, is to be strictly construed and not extended beyond the scope of the obligation according to its express terms, a statutory bond to the public given for the observance of a law is to be read, construed, and enforced in connection with, and according to, the statute pursuant to which it is given, and to be interpreted according to the purpose and meaning of the legislative enactment. The provisions of the statute pursuant to which a bond is given are to be read into the bond and considered a part of it. . . ." 12 Am.Jur. 2d, Bonds, section 2, p. 479.
>
> "The primary rule of construction of remedial statutes is to

ascertain, declare, and give effect to the intention of the Legislature, as gathered from the language used.

"A remedial statute should be construed so as to afford all the relief within the power of the court which the language of the act indicates that the Legislature intended to grant.

"A statutory bond will be construed in the light of the purpose for which it is required as expressed in the statute." Sun Ins. Co. v. Aetna Ins. Co., 169 Neb. 94, 98 N.W.2d 692 (1969), which also involved a licensing bond.

Even in the case of purely contractual private bonds, which are given strict construction, it has been said:

"... The prevailing rule allows a court to place itself in the position of the contracting parties and to consider, in view of all the facts and circumstances surrounding the execution of the instrument, what the parties intended. The manifest intention of the parties must control in the interpretation of a penal bond, regardless of inapt expressions or mere technical rules of construction. In proper cases the state of the parties and the property at the time the bond was given, may be considered in order to determine from that instrument in its entirety and the whole condition, the purpose for which it was given, without rejecting any word, if consistent effect can be given to it. If an omission of a word or words in the condition of a bond has the effect of rendering the condition meaningless, the word may be supplied if, by reference to the whole instrument, it makes the instrument conform to the obvious intent and purpose of the parties. The court may depart from the letter of the condition stated in the bond in order to carry into effect the intention of the parties. And where the condition in the bond is so drawn as to lack definite meaning, it may be read in the light of the evident intention of the parties..." 12 Am.Jur.2d, Bonds, section 25, p. 494, 495.

There can be no question that what the obvious purpose and meaning of the statutory law on this subject is to afford purchase money protection for NFO members who entrust their grain for sale through organizational channels. We find it inconceivable to think that the Legislature might have intended to countenance the avoidance of an obligation for accountability on the part of either the NFO or the surety on its bond by the device of establishing a Members' Grain Custodial Account and creating a separate trust entity to handle the details of collecting, accounting for and distributing grain sale proceeds. It is similarly inconceivable that even the NFO or its surety would avow such an intended result; and, certainly, the

NFO members had no such intent. Otherwise, obviously, the fiduciary obligation of the NFO and the condition of the penal bond would be rendered meaningless; and any attempt to interpret the terms of membership or the conditions of the bond in any other fashion would be contrary to public policy and, in our judgment, ineffectual as a defense against liability.

Notwithstanding our strong conviction in this respect, we are unable to cite any judicial precedent wherein this precise question has been litigated and resolved in harmony with our conclusion. We may suggest, with the view of total elimination of uncertainty, that consideration be given to the feasibility and advisability of a requirement by the Nebraska Public Service Commission that there be furnished an appropriate endorsement or rider to the existing bond whereby the obligation thereof is expressly declared to cover arrangements such as that here under discussion.

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

MEMORANDUM

To: Senator Thomas C. Kennedy, Member of the Nebraska Legislature

From: Paul L. Douglas, Attorney General

Date: August 4, 1976

Re: Constitutional duties of state officers and the advice of the Attorney General

During the July 13th meeting of the Interim Committee on Health and Welfare, certain questions were raised concerning the authority of the Attorney General to advise the Director of the Department of Insurance not to implement an enactment of the Legislature based upon the conclusion that the enactment is unconstitutional and the authority of the Director of the Department of Insurance to follow that advice and not implement such an enactment.

This matter first arose when E. Benjamin Nelson, the Director of the Department of Insurance, in a letter to this office dated June 21, 1976, raised several constitutional questions he had concerning Legislative Bill

434 and requested:

> ". . . the guidance of your office in determining whether or not the Department of Insurance should proceed, on July 10, 1976, to expend funds and utilize personal services prior to a court test of the constitutionality of L.B. 434. Please advise as to whether or not the Department of Insurance should implement the directives set forth in the Nebraska Hospital Medical Liability Act as of the effective date of July 10, 1976."

Thereafter in our five-page letter of response dated July 8, 1976, outlining some of the constitutional difficulties we saw with the provisions of this Legislative Bill, we concluded:

> "In light of the discussion presented above we are of the opinion that the provisions of this act are sufficiently constitutionally suspect so as to justify your nonimplementation of the provisions of this act until such time as it can be evaluated by the courts of this state. Therefore it is our recommendation that you should not proceed to expend funds or utilize personnel in implementing the directives set forth in this act until after its provisions can be constitutionally reviewed by a court of law."

This memorandum is intended to clarify some of the questions previously raised by you and the members of your Committee.

The advice of the Attorney General is available to state officers and officials both as a result of statutory enactment and the holdings of the Nebraska Supreme Court. Section 84-205, R.S.Supp., 1974, provides:

> "The duties of the Attorney General shall be:
> ". . . .
> "(3) To give, when required, without fee, his opinion in writing upon all questions of law submitted to him by the Governor, the head of any executive department,the Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, the Public Service Commission or the Legislature;"

The Nebraska Suprme Court in Follmer v. State, 94 Neb. 217, 142 N.W. 908 (1913), held that the Attorney General is the attorney for the state and that the officers who by the Constitution and the laws are given charge of the affairs of the state may call upon him for advice upon questions of law which arise inthe discharge of their duties. Additionally, the Attorney General has been held to possess all those powers held at common law which have not been expressly diminished by statute. State ex rel. Sorenson v. State Board of Equalization and Assessment, 123 Neb. 259, 242 N.W. 609 (1932).

It is our position that when constitutional review is requested by a state officer prior to implementation, this office is expected to exercise sound legal judgment as to the constitutional validity of the legislative enactment. The Attorney General in so doing does not affect the constitutional status of the enactment but merely makes a considered evaluation as to how that statute might be construed by the judiciary.

In giving this advice we are mindful of the fact that all officers and officials charged with the implementation of statutory enactments are duty bound to support the provisions of the Constitution of the State of Nebraska. In this regard the Nebraska Supreme Court held as early as 1895 that:

> ". . . the Constitution is the fundamental law; that an act of the Legislature repugnant thereto is not merely voidable by the courts, but is absolutely void, and of no effect whatever. It is no law, and binds no one to observe it. The officers of this state are sworn to support the Constitution. Where a supposed act of the Legislature and the Constitution conflict, the Constitution must be obeyed, and the statute disregarded." Van Horn v. State, 46 Neb. 62, 64 N.W. 365. (Emphasis added.)

The court added that mere doubt as to the constitutional validity of a statute would not justify nonimplementation and that only in clear cases of unconstitutionality should they refuse obedience to legislative acts. However the court went on to point out that:

> "If an act must be respected until its validity is declared by the judiciary in proper proceeding, then the Constitution is utterly ineffectual." Van Horn v. State, supra, at page 83.

In a case arising in 1915 where the State Treasurer had refused to act prior to judicial review the Nebraska Supreme Court, while finding the legislative enactment constitutional, specifically stated:

> "We do not intend to criticize the State Treasurer for hesitating to pay out this money before the act had been officially construed." State ex rel. Ridgell v. Hall, 99 Neb. 89, 156 N.W. 16.

The court then reaffirmed the principle stated in Van Horn, supra, stating that where a supposed act of the Legislature and the Constitution conflict, the Constitution must be obeyed and the statute disregarded.

Therefore in some circumstances a dilemma is created for the state official. The legislative directive is clear but on occasion the constitutionality of the statute is not. It is in exactly this kind of dilemma where we believe the advice of the Attorney General should be sought. If in the Attorney General's best judgment the enactment is

unconstitutional, then the officer should follow the constitutional mandate and not expend funds nor utilize personnel in its implementation. If on the other hand the statute in the opinion of the Attorney General is constitutional, the official is obligated to effect implementation.

The consequences of unquestioning implementation must also be considered. The United States Supreme Court has held that an unconstitutional act is not law, it confers no rights, it imposes no duties, it affords no protection, it is in legal contemplation as inoperative as though it had never been passed. Norton v. Shelby County, 118 U.S. 425, 30 L.Ed. 178, 6 S.Ct. 1121. The Nebraska Supreme Court has held that the general rule is that an unconstitutional statute is invalid from its inception and is ineffectual as though it had never been passed. State v. Several Parcels of Land, 78 Neb. 703, 111 N.W. 601.

State officers may well desire the advice of the Attorney General given the possible consequences of their actions or their inactions. The United States District Court for the District of Nebraska has held that under the Nebraska law a state officer has qualified immunity from tort liability such that he is immune in the absence of proof that he acted in bad faith. Nebraska Department of Roads Employees' Association v. Department of Roads, 364 F.Supp. 251 (1973). This question of good faith may be dependent in part upon whether the advice of the Attorney General was in fact sought and followed. Such was the basis of an Arizona case holding that a state official was relieved from personal liability when his course of conduct was based upon the advice of the Attorney General. Hastings v. Thurston, 100 Ariz. 302, 413 P.2d 767. The North Dakota Supreme Court has held that state officials are deemed to have acted in good faith when they have sought and followed the advice of the Attorney General but if they fail to seek this advice or refuse to follow his opinion they do so at their peril. State ex rel. Johnson v. Baker, 74 N.D. 244, 277, 21 N.W.2d 355, 372 (1945).

CONCLUSION

Therefore, given the fact that a state official owes his ultimate allegiance to the Constitution of the State of Nebraska we believe that where our advice is sought we have a constitutional and ethical duty to advise nonimplementation where in our best legal judgment the enactment would not survive close constitutional scrutiny by the judiciary and that the official is thereby legally justified in following that advise and not implementing the legislation in question.

PLD:TRS:smb

Opinion No. 249
September 2, 1976

Dear Senator Luedtke:

In your letter of August 10, 1976, you brought to the attention of this office a memorandum addressed to you from the Nebraska State Bar Association Committee on Correctional Law and Practice. The focus of that memorandum was on work release as a form of parole. It was the conclusion of the Committee on Correctional Law and Practice that "there is a substantial difference in both theory and practice between parole and temporary community based release programs." In your letter you indicated that the Judiciary Committee had resolved to present this memorandum to our office and seek from us a new opinion on the topic of work release as a form of parole.

On February 23, 1976, this office in Opinion No. 184 concluded that furloughs and work and educational training programs fit within the definition of "parole" and therefore the sole authority and power to grant those temporary forms of release is vested in the Board of Parole by virtue of Article IV, Section 13, Constitution of Nebraska. That opinion was affirmed on March 4, 1976, in Opinion No. 190. After a review and research of our earlier opinions, your most recent letter, the Nebraska State Bar Association Committee on Correctional Law and Practice memorandum, and the statutes and constitutions of other states, we again come to the conclusion that temporary releases such as work and educational release and furloughs are a form of parole and as such the authority to grant such releases is vested in the State Board of Parole.

In reviewing the memorandum from the Nebraska State Bar Association Committee on Correctional Law and Practice, we find that much of that memorandum deals with policy considerations which, while they may be valid as policy considerations, do not rise to the status necessary to overcome the constitutional provisions relating to parole and the Parole Board as found in Article IV, Section 13, Constitution of Nebraska. We have also found that in I of the Committee on Correctional Law and Practice memorandum attention is directed to the intent of the framers of Article IV, Section 13, Constitution of Nebraska. In that part of the memorandum it was said:

> "It is clear from the proceedings of the Convention that the drafters of the parole amendment not only understood there to be a difference between parole and shorter, more temorary forms of community release but they specifically rejected an amendment designed to give the then Pardon Board the power to award such temporary releases."

As a matter of fact, it is anything but clear that the drafters of the parole amendment understood there to be a difference between parole and shorter, more temporary forms of community release. The very material quoted in the memorandum would more readily support the theory that the drafters thought the word "parole" sufficient to include the words "furlough" and "leave of absence." After Mr. Nye had suggested that the

word "parole" not be sufficient to cover "furloughs," Mr. Anderson responded, in essence, by saying that the word "parole" was sufficient to cover these other temporary forms of release and that to begin to include other words such as "furlough" and "leave of absence" would also require the inclusion of "all the other varieties and combinations of English language in a matter of this kind." The motion by Mr. Nye did not prevail. This vote could be interpreted to mean that the members of this Constitutional Convention thought that temporary releases could be granted under the term "parole."

The memorandum from the Committee on Correctional Law and Practice in III discussed work release as a form of parole in other jurisdictions. While this section discusses the various statutory systems for handling work release in other jurisdictions, there is not one mention of a constitutional provision from any of the thirty-nine states considered. It is the opinion of this office that Article IV, Section 13, Constitution of Nebraska, is the provision which distinguishes Nebraska from any of the other states that you have considered. It is of no legal importance in the State of Nebraska that thirty-nine other states with different constitutions treat work release differently than does the State of Nebraska. We must make our legal determinations on the basis of our Constitution and our Constitution provides that the Board of Parole shall have the sole authority to grant paroles.

Our research has indicated that thirty-six states have what could be termed work release programs. In studying the constitutional provisions which might relate to work release or parole programs in those thirty-six states, we have found that they can be categorized into two general types of constitutional provisions, both of which can be distinguished from the Nebraska constitutional provision. The majority of the constitutional provisions (found in twenty-eight states) provide for types of executive clemency, but do not include parole. These provisions, in effect, give the executive the power to grant pardons, reprieves, commutations, and to remit fines and forfeitures. The procedure and exceptions to this grant of power differ within the twenty-eight states, but the executive power to grant parole is not included in any of these twenty-eight Constitutions nor is the power to grant paroles placed in a different branch of government. It appears, therefore, that since the Constitutions of the twenty-eight states grant only the powers of "pardons, reprieves and commutations" and do not include parole, it could be concluded that regulation of the system of parole is a legislative function in those states. As such, the Legislature in those states has discretion to grant the power to any board or commission to administer the parole system or work release program in that state. With this in mind, it is quite clear that the constitutional provisions of these twenty-eight states can be clearly distinguished from the provision of the Nebraska Constitution which specifically gives the discretion of granting paroles to the Parole Board.

The second type of constitutional provision which is found in six states

specifically grants to the Legislature the power to provide for a system of parole. It appears clear that in these six states the Legislature may exercise its discretion in providing for the administration of the parole or work release programs. This type of provision is quite readily distinguishable from that in the Nebraska Constitution which grants the Board of Parole the power to grant paroles.

There are two states with constitutional provisions which do not neatly fit within the two types of constitutional provisions discussed previously. The Florida Constitution, Article IV, Section 8, provides that a parole and probation commission may be created by law and empowered to supervise persons on probation and to grant paroles or conditional releases. It is arguable that because of the word "may" is used, the Legislature in Florida still has the discretion to create the commission, and thus it is distinguishable from the provision in the Nebraska Constitution. The Idaho Constitution, Article X, Section 5, provides for a board of corrections to control, direct and manage adult probation and parole. According to the Idaho Code, section 20-242(Supp. 1975), which is cited in the memorandum prepared by the Committee on Correctional Law and Practice, this board of corrections administers the furlough program. However, since this board of corrections is established by the Idaho Constitution, it stands on the same constitutional basis as does the Nebraska Board of Parole which likewise finds its authority in the Constitution of the state.

In summing up the Constitutions of the thirty-six states which we have found to have work release programs, it seems that they may all be readily distinguished from the provisions of Article IV, Section 13, Constitution of Nebraska. With this in mind, it appears that the argument that Nebraska's work release program should be administered by the Department of Correctional Services because the majority of other states with work release programs provide for its administration by a department of corrections seems to be without merit when an examination of the provisions of the other states' Constitutions is undertaken. Attached hereto and made a part of this opinion is a list of the states with work release programs. The list of states are grouped according to the type of constitutional provision that state has relating to parole and work release programs.

In affirming our previous two opinions on this subject, we would reiterate that furloughs and work and educational training programs fit within the definition of "parole." The power to grant paroles after conviction and judgment, regardless of whether it is called a furlough, work release, or educational training program, is granted to the Board of Parole by Article IV, Section 13, Constitution of Nebraska. That constitutional provision clearly provides that the board, or a majority thereof, shall have the power to grant paroles. The language and phrasing of that constitutional provision amply demonstrates that the power of parole is a discretionary matter and lies with the Parole Board. This power

cannot be delegated to the Department of Correctional Services or any other administrative body without first involving the Board of Parole as is provided for in the present statutes. It is a common maxim of constitutional law that unless a different intention is apparent, the enumeration of specific matters in a constitutional provision usually is construed as an exclusion of matters not enumerated. This being the case, the power to grant paroles granted to the Board of Parole by the Constitution of this state is the sole grant of authority concerning paroles and other temporary releases from custody.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ejg
attachment
cc Mr. Vincent D. Brown
Clerk of the Legislature

I. No mention of parole in constitution, therefore statutory authority: 1. Arkansas 2. California 3. Colorado 4. Connecticut 5. Delaware 6. Hawaii 7. Illinois 8. Indiana 9. Iowa 10. Louisiana 11. Maine 12. Massachusetts 13. Minnesota 14. Montana 15. Nevada 16. New Hampshire 17. New Mexico 18. North Carolina 19. Oregon 20. Pennsylvania 21. South Carolina 22. South Dakota 23. Tennessee 24. Vermont 25. Virginia 26. Washington 27. Wisconsin 28. Arizona

II. Discretion to provide for parole granted to the legislature: 1. Alaska 2. Maryland 3. Michigan 4. New Jersey 5. New York 6. Texas

III. States whose constitutional provision are distinguishable for reasons other than above: Florida, Idaho

Opinion No. 254
September 30, 1976

Dear Senator DeCamp:

You have submitted to us a rough draft of a proposed bill, and have asked us for our opinion as to whether the bill would be constitutional. Inasmuch as this is a six page bill, and you have directed our attention to no particular provision upon which you request enlightenment, we will examine only the broad purposes of the bill, and the means used to accomplish them.

The bill provides for a tax of 2 cents per bushel upon all wheat, corn,

and milo grown in this state and sold through commercial channels. It is imposed on the grower, and is to be collected by the first purchaser. No wheat, corn, or milo is to be subject to such tax more than once. It is not entirely clear whether the tax would be payable if the grower shipped the grain out of the state for sale in another state. It is clear that grain shipped into this state, even by a grower, and sold for the first time in this state, would not be subject to the tax.

The proceeds of the tax would be used to pay for land acquisition, construction and initial operating expenses of a grain alcohol manufacturing plant, the alcohol to be used in alcohol-blended fuels. The plant would initially be operated by the Agricultural Products Industrial Utilization Committee, which has been established by sec. 66-468, R.S. Supp., 1976. After the plant has been in operation for five years, the committee, with the approval of the Governor, would be authorized to sell the plant if it is in the best interests of the state to do so.

The basic question, we suppose, is whether it is proper for the state to engage in what would normally be considered a purely private enterprise, that of manufacturing alcohol for sale. This sort of business would not normally be thought of as a governmental function, and there may be some challenge to the state's becoming involved in a commercial venture of this sort.

However, we are inclined to believe the statute would be upheld in this regard. Section 1 of the bill states that it is the public policy of the state to provide a new domestic source of energy, and to stimulate the agriculture industry of Nebraska. The accomplishment of such purposes is within the police power of the state. Given the presumption of constitutionality which attaches to bills passed by the Legislature, we believe the court would uphold the exercise of such powers by the state.

We must also keep in mind that our Constitution is a limitation on the powers of the state, and not a grant thereof. In order to find that the exercise of power by the state is in violation of the Constitution, a specific provision prohibiting the activity must be found. It is not necessary to find a provision authorizing it. Broadly speaking, the power of the state is unlimited, except as prohibited by the state or federal Constitutions.

We find this discussion of what constitutes a public purpose in 63 Am.Jur. 2d 447, Public Funds, Section 59:

> "A strict formula to determine public purposes for all time cannot be formulated, since the concept expands with the population, economy, scientific knowledge, and changing conditions. As people are brought closer together in congested areas, the public welfare requires governmental operation of facilities which were once considered exclusively private enterprises, and necessitates the expenditure of tax funds for purposes which, in an earlier day, were not classified as public. What is a public purpose for which public funds may be expended is not a matter of exact definition, and the line of demarcation is

not immutable or incapable of adjustment to changing social and economic conditions that are properly of public and governmental concern."

In 81 C.J.S. 926, States, Section 26, this discusion appears:

"According to some authority the state may, in a proper case, be authorized to engage in an enterprise not essentially governmental in nature, that is, the state and its political subdivisions have authority to engage in enterprises usually owned and operated by private individuals, provided the public interest requires public ownership or operation. So the state may engage in business pursuant to a valid exercise of the police power, as where it conducts the sale of intoxicating liquors in the state, or engages in the manufacture of goods by convict labor, or sells, at the market price, fish taken from state waters; and, in the absence of constitutional restriction, the state may operate an inclined railroad which was in operation on land acquired by the state as a park at the time of its acquisition."

In Gripentrog v. City of Wahpeton, 126 N.W.2d 230 (N.D. 1964), the court held that it was not a violation of either the state or federal Constitution for a city to acquire a site and to construct a sugar beet processing plant near the city, for the purpose of encouraging industrial activity, and to lease the plant to a private company. In that case there was a specific state constitutional provision empowering the state to engage in any industry, enterprise, or business, except the traffic of liquor, but in view of the principle discussed above, that grants of power are, in general, unnecessary, we believe this distinction is of little importance.

In State, ex rel. Loseke v. Fricke, 126 Neb. 736, 254 N.W. 409 (1934), the act providing for public power districts was challenged. With respect to the argument that this was an improper governmental activity, the court said:

"Chapter 86 is assailed because it permits the district to come into competition with municipally and privately owned and operated electric light and power plants, and, by such competition, may render such privately and municipally owned plants valueless, to the great injury of the owners. This goes only to the wisdom of the legislation, and not to its validity. That was a matter solely for the legislature to determine. Its action in that respect is not subject to review by this court." (126 Neb. at 743 and 744.)

As previously stated, the bill would provide for a tax of two cents per bushel on wheat, corn, and milo. Challenges may be made on this on the basis of improper classification. We know practically nothing about the

manufacture of alcohol, but we assume that these three grains are used. If so, this would seem to provide a rational basis for taxing these grains, and not other crops, which would derive no benefit from the operation of the plant. If a rational basis for a different treatment can be found, the court will not find an unconstitutional classification.

While we believe that the flat two cents per bushel tax on all three grains would be upheld, we point out that a claim of discrimination could be argued. The three grains are not, of course, sold at the same price. A per-bushel tax on all three grains necessarily represents a higher proportionate tax on the cheaper grains. An alternative would be to base the tax on the price paid for the grain. However, since this is not an ad valorem tax, we do not believe the court would strike it down for failure to be proportionate to value.

We therefore conclude that a bill such as this could be sustained. If you have specific questions about particular provisions of the bill, we will be glad to consider them.

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

Opinion No. 255
October 4, 1976

Dear Senator DeCamp:

In your letter of September 20, 1976, you submitted to us a copy of a bill which you are considering introducing at the next legislative session, and you ask us for an opinion as to its constitutionality. You have directed our attention to no particular provisions which you have questions about, so we will look only at the broad purposes of the bill.

The bill would impose a lodging tax of five per cent upon the gross receipts of persons renting or furnishing, for periods of fifteen days or less, any campgrounds, rooms, lodgings, or accommodations. The tax would be imposed each year for the period from May 15 to September 15. The tax would be in addition to the sales tax imposed under the provisions of sections 77-2701 to 77-27,135, R.R.S. 1943.

As to the general power of the Legislature to impose a tax upon transient lodging, we believe there is no constitutional problem. The taxing power of the Legislature is very broad. In Evans v. Metropolitan Utilities District, 187 Neb. 261, 188 N.W.2d 851 (1971), the court said:

> "It is important to remember that the state Constitution is not a grant but rather a restriction of legislative power. The taxing power vested in the Legislature is without limit, except as it may be prescribed by the Constitution itself. State v. Cheyenne County, 127 Neb. 619, 256 N.W. 67. Consequently, courts can enforce only those limitations which the Constitution itself clearly imposes. Elmen v. State Board of Equalization & Assessment, 120 Neb. 141, 231 N.W. 772. In the proper construction of constitutional provisions, limitations or restrictions upon the power of taxation can never be raised by implication, but the intention to impose them must be expressed in clear, unambiguous language. State v. Cheyenne County, supra."

In assessing the validity of a tax, the first question that we normally consider is whether the taxing statute creates an unreasonable classification, in violation of Article III, Section 18, of the Nebraska Constitution. We see no basis for saying that it is improper to make a special class of persons renting transient lodging. There may possibly be some attack made on the bill because the tax is imposed only from May 15 to September 15 of each year. The logic of imposing the tax during the tourist season, and not at other times of the year, is somewhat obscure. However, the court gives the Legislature broad leeway in determining matters of this sort, and we are not prepared to say that the court would find this unconstitutional.

While it does not go to the issue of constitutionality, we point out that there is a difference between the persons upon whom the tax will be imposed by this bill and those upon whom the sales tax is imposed. Under section 77-2702(12) (a) (iii), a retailer includes persons engaged in renting or furnishing rooms, lodging, etc. for periods of less than thirty days. In the bill you have submitted, this period is fifteen days. We do not believe that affects the validity of the bill, and perhaps it was done advisedly. However, it conceivably could cause some confusion in the administration of the taxation of lodgings.

We also point out that section 2 of the bill you have submitted appears to be completely surplusage, and to have no legal effect. Section 1(4) of the bill provides that the proceeds of the tax shall be placed in the General Fund. Section 2 provides:

> "The Legislature shall appropriate money in the General Fund received under the provisions of this act to the Tourist Promotion Fund in such amounts as it deems necessary."

The Legislature always has authority to appropriate money from the General Fund for such purposes and in such amounts as it deems appropriate. On the other hand, section 2 does not purport to, and could

not, force the Legislature to appropriate money from the General Fund to the Tourist Promotion Fund if it saw fit not to do so. Section 2 is, therefore, meaningless. This, of course, does not have any effect on the constitutionality of the bill.

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. 267
November 24, 1976

Dear Senator Schmit:

In your letter of November 23, 1976 you ask whether a county which had reached its statutory mill levy limit of 14.28 mills could reduce the appropriation authorized by sec. 2-1604 to the county extension board. You ask this question in connection with a proposal being considered by the Committee on Agriculture and Environment to amend this section of the statutes by increasing the amount which may be appropriated under that section.

This section provides that the county board shall annually set aside in the general fund of the county an amount equal to the county extension budget, but not to exceed $15,000.00 or an amount equal to a 6/10th mill levy on the dollar upon the assessed valuation of all the taxable property in the county, whichever is greater. We point out that this is not a specific mill levy for the county extension board, but comes out of the county general fund. The 6/10th mill reference is simply a limitation upon the amount to be appropriated to this work.

The precise question which you asked was answered in State ex rel. Agricultural Extension Service v. Miller, 182 Neb. 285, 154 N.W.2d 469 (1967). The court said:

> " . . . No argument is made, nor could one be made, that the Legislature has not manifested its intent in clear, unambiguous, and mandatory language. By its terms the county board is required to set aside in the general fund of the county an amount equal to the county extension budget. No authority is granted to reduce, alter, or amend the county extension budget. It is elementary that a county board has only such powers as the Legislature grants, and its power herein is therefore restricted, as

it is authorized and required only to set aside in the general fund the amount of the county extension budget. By the express terms of section 2-1606, R.R.S. 1943, the county extension budget is that budget which is prepared and submitted by the president and secretary of the extension service to the county. . . ."

It therefore appears that the county board has no discretion whatever in the matter, and that if the constitutional mill levy is insufficient to raise enough money to make the appropriation mandated by sec. 2-1604, as well as other county expenses, the cuts in expenditures will have to be made in other areas in the county budget.

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

Opinion No 269
December 1, 1976

Dear Senator Barnett:

This letter is in response to your inquiry concerning proposed legislation involving unemployment compensation.

The legislation you propose would provide that military retirement payments would be deductible from the amount of unemployment compensation to the individual only if the individual left his job voluntarily without good reason or was discharged from his work for misconduct. You question whether this legislation would be necessary in light of the passage of L.B. 819, Eighty-Fourth Legislature, Second Session, and whether the proposed legislation would be constitutionally sound.

We have reviewed the provisions of L.B. 819, Eighty-Fourth Legislature, Second Session, and must indicate that your proposal would be in direct conflict with the previous actions of the Legislature. L.B. 819 amended section 48-628, R.S. Supp., 1975, which statute contained language which permitted the joint receipt of payments made by the United States to veterans for retirement or retainer benefits and unemployment compensation. Thus, your proposal would necessitate amending section 48-628, R.S. Supp., 1975, to reincorporate the language which was repealed by L.B. 819.

Your proposal would provide for special classification of military personnel receiving unemployment benefits and military retirement benefits. Such classification would always raise the potential for constitutional challenges based upon violation of equal protection in that retired military personnel would receive special benefits via the statute. It is of interest to note that section 48-628, R.R.S. 1943, was amended in 1967 by the Seventy-Seventh Legislature with the enactment of L.B. 888 to allow joint payments of unemployment compensation and military retirement benefits. In 1976 the Legislature then passed L.B. 819 which repealed the precise language, "or for retirement or retainer benefits," enacted by the Legislature in 1967. From 1967 until 1976 the joint payment of military retirement benefits and unemployment compensation to veterans was not challenged.

Our research does not disclose any reported cases wherein the courts have held that payment of full unemployment benefits to individuals receiving government pensions, military or otherwise, created an arbitrary and unreasonable classification violative of a state constitution or the Federal Constitution Equal Protection Clause. It would appear that such classification could be reasonable in view of the normal benefits afforded by society to individuals who have served in the Armed Forces.

The constitutionality of a special classification for payment of unemployment benefits to individuals receiving military retirement benefits does not appear to be defective.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Jerold V. Fennell
Assistant Attorney General

JVF:jc
cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 270
December 2, 1976

Dear Senator Keyes:

You have submitted to us a proposed bill, and have asked our opinion as to its constitutional validity. We believe that it may conflict with provisions of both the state and federal Constitutions.

The bill would provide for a "severance tax" on the taxable income derived by certain name types of financial institutions from loans made to individuals and businesses located outside the state. While it does not go to the validity of the act, we point out the term "severance tax," as used in this proposed bill, is a misnomer. A severance tax is a tax levied on natural

resources, such as oil and gas, severed from the soil. The tax we are considering is not such a tax.

The most obvious problem with this bill is that it appears to unduly burden interstate commerce. It is well established that dealing in intangibles can constitute engaging in interstate commerce. See, Department of Financial Institutions v. General Finance Corporation, 227 Ind. 373, 86 N.E.2d 444, 10 A.L.R.2d 436 (1949), and United States v. South-Eastern Underwriters Association, 322 U.S. 533, 88 L.Ed. 1440, 64 S.Ct. 1162 (1944). Quite obviously, the financial institutions to be taxed under the bill in question would be engaged in interstate commerce.

Under the commerce clause of the federal Constitution, the states are prohibited from unduly burdening interstate commerce. The courts are particularly prone to find an undue burden when the statute discriminates in favor of the residents of one state as opposed to those of other states. For example, in Polar Ice Cream and Creamery Co. v. Andrews, 375 U.S. 361, 11 L.Ed.2d 389, 84 S.Ct. 378 (1964), the court struck down a Florida statute which had the effect of protecting Florida milk producers from price competition from out-of-state producers, holding that it unduly burdened interstate commerce.

The bill in question would impose the tax only on interest received from out-of-state borrowers. Even if it were not passed on to such borrowers, it would make loans to such borrowers less desirable, putting them at a competitive disadvantage with Nebraska borrowers. It would be difficult to defend such a system.

The bill is also subject to attack as being in violation of the Nebraska Constitution. Article III, Section 18 of that Constitution prohibits unreasonable class legislation. The bill in question creates two suspect classes. In the first place, it enumerates seven types of financial institutions whose interest income would be subject to this tax, but omits other types of institutions for no discernable reason. To take the most obvious examples, banks and insurance companies are not taxed. The reason for the omission is not apparent to us.

Furthermore, the justification for treating loans to persons outside the state differently from those to persons inside the state has not been made clear. This, also, constitutes the creation of classes, which must be justified to pass muster under the Nebraska Constitution. In a somewhat similar situation the court, in Continental Insurance Co. v. Smrha, 131 Neb. 791, 270 N.W. 122 (1936), struck down as invalid class legislation a tax on insurance companies imposed on premiums collected on fire insurance policies on property situated in incorporated cities and villages, but not on properties outside such cities and villages.

There are several other minor problems with the bill, as now written, but we feel that what we have already said will suffice. It would be most difficult to defend this bill from constitutional attack.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Vince Brown
Clerk of the Legislature

Opinion No. 272
December 13, 1976

Dear Senator Schmit:

You have requested the opinion of this office regarding the propriety of the action taken by the Executive Board of the Legislative Council in hiring Jules Burbach as Executive Director of the Legislative Council.

We note first that under section 50-401.02, R.S. Supp., 1976, either the Legislature or the Executive Board of the Legislative Council may appoint a Legislative Council Executive Director. The motion made by Senator Kelly, seconded by Senator Savage, was:

> ". . . that the name of Speaker Jules Burbach to fill the position of Executive Director of the Legislature.

That motion, as stated, leaves some doubt regarding whether the action to be taken was to actually hire Jules Burbach to the position, or merely to submit his name as a candidate for the position. However, it appears certain that the intent was the former, so we shall proceed under that assumption.

Essentially two questions have been raised concerning the propriety of the hiring of Jules Burbach for the position of Executive Director. The first concerns whether Mr. Burbach was disqualified from receiving such a position by Section 9, Article III, Constitution of Nebraska, and the second concerns whether the acceptance of such a position constitutes a conflict of interest.

Section 9, Article III, of the Constitution provides, in pertinent part, as follows:

> ". . . No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in session, and all such appointments shall be void."

From the facts you have related to us, there is little doubt but that Mr. Burbach was hired for the position while he was a member of the Legislature, as he was hired on November 23, 1976, to commence employment on December 1, 1976, but his resignation from the

Legislature did not become effective until November 30, 1976. That leaves the question of whether the hiring of Mr. Burbach as Executive Director constituted a "civil appointment to a state office" within the meaning of the Constitution. In our opinion, it did not.

It is the opinion of this office that the Executive Director of the Legislative Council is an employee of the Legislative Council rather than a state officer. Home Savings & Loan Ass'n v. Carrico, 123 Neb. 25, 241 N.W. 763 (1932), defined both employee and officer as follows:

> "An employee is one bound, in some degree, to the duty of service, and who is subject to the master's command as to how to do the work. The word 'employ' carries with it the idea of a contract of employment. Therefore, strictly speaking, an employee includes only such persons, engaged in the service of another, as are under contract for hire, express or implied oral or written. . . . And, on the other hand, a public officer is an incumbent of a public office, which is the right, duty and authority conferred by law, by which, for a given period, an individual is invested with some portion of the sovereign functions of government for the benefit of the public." Id., p. 765.

We note that under section 50-401.03, R.R.S. 1943, the performance of all duties of the Executive Director is ' subject to the direction of the Executive Board of the Legislative Council,' which is more in line with the position as employee rather than as a state officer.

Several other reasons persuade us that the Legislature only intended to authorize an employment rather than create a new state office when it authorized the appointment of an Executive Director by either the Legislature or the Executive Board. (Section 50-401.02.) The first and most persuasive reason is that Section 10, Article IV, of the Constitution prohibits the Legislature from appointing or electing any state officer. See Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966); Neeman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W.2d 166 (1974). Therefore, if the position of Executive Director were determined to be a state office, section 50-401.02 would be unconstitutional on its face. It is a principle of law, however, that statutes should be construed so as to be constitutional if at all possible. Therefore, section 50-401.02 should be construed as authorizing an employment, rather than as creating and authorizing the filling of a state office.

In addition, it is obvious from the motions made before the Executive Board that that body was merely hiring an employee rather than appointing a state officer. Motion number 2, which you provided us, reads as follows:

> "2. Motion was made by Senator Cavanaugh, seconded by Senator Schmit, that the Executive Board fill the position of Executive Director of the Legislative Council to fulfill the duties

and responsibilities described in Section 50-401.03, to commence employment on December 1, 1976, at an annual rate salary of $25,000." (Emphasis added.)

Finally, we also note that a characterization of an office is that it carries a term, as described in the definition of "office" in the quote above from Home Savings & Loan Ass'n v. Carrico, supra. There is no term of office set for the position of Executive Director, but rather he apparently serves at the pleasure of the Legislature and Executive Board of the Legislative Council.

For the reasons expressed above, we conclude that the Executive Director is an employee of the Legislative Council rather than a state officer. Therefore, Section 9, Article III, is not applicable to the hiring of Mr. Burbach to the position of Executive Director of the Legislative Council.

The second question presented by the hiring of Mr. Burbach concerns whether a conflict of interest situation is presented. Section 16, Article III, prohibits any members of the Legislature from having a conflict of interest, as defined by the Legislature, and states the Legislature shall prescribe standards as well as provide for enforcement. This the Legislature has done by setting out prohibited acts of members of the Legislature in section 49-1103, R.R.S. 1943, and establishing a Conflicts of Interest Committee, section 49-1105, R.R.S. 1943. Both of those sections were repealed by the Legislature in 1976; however, the repealer does not become effective until July 1, 1977. Therefore, any question concerning conflicts of interest should be presented to the Conflicts of Interest Committee for determination.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 273
December 13, 1976

Dear Senator DeCamp:

We have your letter of December 9, 1976. You first ask whether there is any language in the Constitution that dictates that ground water would not be owned by the owner of the land and his lessees or assignees. We cannot answer this question without knowing what you are considering by

your use of the term "own." Whether you are referring to the term as you would to describe a fee interest in a tract of real estate or whether you mean some type of right or interest in the use of ground water could effect our response considerably. Possibly you are referring to an entirely different concept of ownership or interest.

Next you ask whether legislation providing for private ' ownership" of ground water, subject to regulation by the Legislature, may be prepared without a constitutional amendment. Besides the general vagueness of the term "ownership" as noted above, your phrase "subject to regulation by the Legislature" includes a veritable infinite number of possibilities. Without knowing the exact nature of the particular type of regulation you wish to incorporate into your proposed bill, we are unable to determine whether it would require a constitutional amendment or meet present constitutional requirements.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Assistant Attorney General

SCS:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 3
December 23, 1976

Dear Senator Savage:

You have requested our opinion on the constitutionality of a proposed piece of legislation regulating the charges for legal advertising. The proposed legislation would amend section 33-141, R.R.S. 1943. Section 33-141, R.R.S. 1943, presently provides that the legal rate for publication of all legal notices is 24 cents a line. For the first insertion and 20 cents a line for subsequent insertions. This present statute regulates all areas of the state with regard to publication of legal fees and is in direct line from a statute enacted in 1871 which provided "for printing and publishing legal advertisement in newspapers as follows: Each square, of ten lines, for the first insertion one dollar. Each subsequent insertion, for each square of ten lines, fifty cents. Each legal advertisement under ten lines shall be deemed a square, and each fractional part of a square shall be counted as a full square. For publishing lists of lands upon which taxes are delinquent, each description twenty cents. For publishing list of town lots on which taxes are delinquent, each description ten cents; provided, that the County Commissioners of Otto County have control of printing the delinquent tax

list in said county." Chapter 28, section 17, Compiled Statutes, 1875.

From time to time the statutes regulating the rate at which legal notices are to be published has been amended. However, from the earliest days of the state there has been a statute which regulated the rate at which publishers were to be paid for the publication of legal notices. The Supreme Court considered the effect of such statutes in Wisner v. Morrill County, 117 Neb. 324, 220 N.W. 280 (1928). In that case the Supreme Court stated that the rate specified by statute was the maximum rate that may be paid. However, if a contract could be negotiated providing for publication at a lower rate, the county was free to do that.

No case has directly considered the constitutionality of statutes regulating the cost of advertising that may be paid in Nebraska. However, other statutes have construed such statutes and found them to be constitutional. See, Record Publishing Company v. Monson, 213 P. 13, 215 P. 71, 123 Wash. 569.

The proposed legislation about which you raise a question provides that counties having a population of more than 275,000 may pay a maximum rate for the publication of legal notices equal to the publisher's standard rate for classified advertising. Several cases in Nebraska have considered classifications based on population totals. In some cases such classifications have been upheld. See, Dorrance v. Douglas County, 149 Neb. 685, 32 N.W.2d 202. In other cases such classifications have been struck down. The classification made must bear some reasonable relationship to the proper exercise of the police powers of the state. In our view the classification here proposed is of questionable validity. See Opinions of the Attorney General, 1959-1960, March 20, 1959, Opinion No. 46.

A question may also be raised in authorizing a maximum rate to be the standard rate for classified advertisements. This arguably could be an improper delegation of authority to a private citizen to determine the maximum rate for legal publications. Where that determination is made by a single entity in circumstances not significantly different from all other legal newspapers within the state, some difficulty is presented.

Thus, our opinion is that the Legislature has in the past and may continue to regulate the maximum rate to be paid for legal advertising within the State of Nebraska. However, where classifications are to be made, they must be reasonable and properly related to a valid exercise of legislative authority. Thus, the classification proposed in the proposal you have provided to us is of questionable constitutional validity.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 4
December 27, 1976

Dear Senator Maresh:

This is in response to your inquiry of December 8, 1976, as to the constitutionality of a proposed legislative bill, the first two sections of which would, in certain instances, authorize the transfers of roads from the State to counties or vice versa without first hard surfacing them, and which would also provide a monetary payment from the transferor to transferee. Section 3 of the proposed bill would amend Section 39-2402, R.R.S. 1943, to effect preservation of the makeup fund in the event of a gas tax increase, and Sections 4 to 6 of the bill would amend various sections so as to increase the gasoline tax.

We concern ourselves, in this opinion, only with the constitutional questions raised by the aforesaid proposed bill. And the question presented would appear to pertain to Article 3, Section 14, which prohibits a plurality of subjects in a legislative bill.

The test whether a statute is unconstitutional as containing two subjects, is a subjective one. Therefore, a review of past court decisions is not terribly helpful in determining whether two matters contained in a particular bill are sufficiently similar and germane as to constitute one subject of legislation, or whether they constitute two subjects, making the bill unconstitutional.

It would seem that the matter of the makeup fund, which is directly affected by an increase in the gasoline tax, is sufficiently germane to the tax increase itself, as probably to be permissible in the same bill. The matter of transferring roads between the State and County, and vice versa, is, however, not so clear. While, because of the subjective nature of the test, we are unable to say definitely that the inclusion of the three aforesaid subjects in the same bill would render the bill unconstitutional, we feel that there may be sufficient doubt so as to make it advisable, at this point, to separate out the road transfer provisions in Section 1 and 2 of the proposed bill, and make them a separate legislative bill.

You also inquire as to a substitute proposed amendment to Section 39-2402, R.R.S. 1943. This proposal would also have the effect of preserving the makeup fund in the face of a gasoline tax increase, and appears to be virtually the same, in effect, as the one contained in Section 3 of the proposed bill.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Warren D. Lichty, Jr.
Assistant Attorney General

WDL:ksh
cc: Vincent D. Brown

COMMUNICATIONS

Acknowledged receipt of Resolution from William F. Swanson, Corporation Secretary, University of Nebraska, regarding the naming of the new Sports Complex. (Resolution on file in the Clerk's Office).

Acknowledged receipt of Resolution from the National Association of Human Rights Workers, Wilmington, North Carolina, regarding capital punishment. (Resolution on file in the Clerk's Office).

Acknowledged receipt of "Nebraska Statewide Plan for Children and Adolescents Mental Health Services" from Jack M. Cleavenger, Director, Department of Public Institutions. (Filed in the Clerk's Office).

REPORTS

STATE BOARD OF EQUALIZATION AND ASSESSMENT

August 25, 1976

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

Dear Mr. Brown:

The State Board of Equalization and Assessment met on August 12, 1976, for the purpose of raising the State sales and income tax rates in order that future revenues could meet legislative appropriations. During that meeting the enclosed resolution was passed unanimously by the members of the Board.

As you will note, the Board has requested that copies of this resolution be tendered to the members of the Legislature through the Clerk's office. Please use the appropriate procedure to distribute the resolution among the State senators.

Sincerely,

(Signed) William E. Peters
Secretary
State Board of Equalization
and Assessment

Enclosure

RESOLUTION OF THE STATE BOARD
OF EQUALIZATION AND ASSESSMENT

August 12, 1976

Whereas the Nebraska State Board of Equalization and Assessment recognizes its responsibility under Nebraska State law to set the sales and income tax rate so that revenues produced meet legislative appropriations;

Whereas the Nebraska State Board of Equalization and Assessment has been called into special session because revenues produced on existing tax rates are not meeting projected revenues and therefore, will not be sufficient to meet legislative appropriations;

Whereas the Nebraska State Board of Equalization and Assessment recognizes that continuing appropriations and spending increases at the State level will mean continuing tax increases;

Therefore, be it resolved by the Nebraska State Board of Equalization and Assessment that the members of the said Board jointly express these concerns to both the agencies of State government and to the Nebraska Unicameral that all agencies of State government take all steps possible to reduce their level of expenditures so that as much of existing appropriations as possible will be lapsed into the general fund on June 30, 1977, and that the Nebraska Unicameral be urged during its 1977 Legislative Session to exhibit fiscal restraint so that spending levels can be held to a minimum to insure that tax rates will not have to be further increased and if the Legislature acts as requested, hopefully the rates that this Board is setting can be reduced.

Copies of this resolution shall be duly tendered to the Legislature and its appropriate committees through the Clerk of the Legislature.

I certify that this resolution was passed by the State Board of Equalization and Assessment on August 12, 1976. Dated this 26 day of August, 1976.

(Signed) William E. Peters
Secretary
State Board of Equalization
and Assessment

NATURAL RESOURCE DISTRICT REPORTS

October 26, 1976

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

Dear Vince:

Section 2-3265, of the Nebraska Resources Development Fund Act (Legislative Bill 975), requires that the Natural Resources Commission submit an annual report to the Governor and the Legislature describing the work accomplished by the Development Fund.

The Fund is now slightly over two years old. Project fund requests and fund disbursements are now proceeding according to project readiness. The Fund is becoming more than just another state program, it is a highly functional, working aspect of the state and local partnership which aids the proper development, conservation and maintenance of our land and water resources.

Project proposals and applications submitted under the Fund and the status thereof are submitted in the enclosed report. It is, therefore, with a great deal of pleasure that I submit this second functional report of the Development Fund. I sincerely hope that the report will aid you in monitoring the progress of the Fund in its role of expanding Nebraska's natural land and water resources.

I have also taken the liberty of providing each of Nebraska's Senators with a copy of the 1976 Report. If you have further questions concerning the Development Fund, please do not hesitate to request assistance from this office.

Sincerely,

(Signed) Dayle E. Williamson
Executive Secretary

DEW:RH:mh
Enclosure

NEBRASKA RESOURCES DEVELOPMENT FUND
ANNUAL REPORT
TO THE
GOVERNOR AND THE LEGISLATURE
OCTOBER, 1976

The Nebraska Resources Development Fund Act of 1974 created a fund to assist in the wise development of Nebraska's land and water

resources. The Act delegates responsibilities to the Nebraska Natural Resources Commission and to an Advisory Board, composed of state agency representatives from eight state agencies. Those agencies are:

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

Advisory Board & Commission Activities

The prime function of the Advisory Board is to determine project eligibility for Resource Development Fund assistance. The Board has also been delegated to determine the type of project assistance appropriate for specific projects, grants, loans, or a combination thereof. To aid in accomplishing these tasks, the Advisory Board has adopted Rules and Regulations and project completion guidelines.

Since the initial progress report of August 26, 1974, the Advisory Board has held six public informational meetings throughout the state. In order to arrive at state-wide input to the Rules and Regulations, meetings were held at Ogallala, Bassett, Scottsbluff, Hastings, Norfolk and Lincoln.

On December 17, 1974, the Advisory Board and the Natural Resources Commission held a joint public hearing on the Rules and Regulations of the Development Fund in the Lincoln Center Building, 5th Floor, Lincoln, Nebraska. The hearing was held open, to receive comments from the public, until January 15, 1975. On January 22, 1975, in joint session at North Platte, Nebraska, the Advisory Board and the Nebraska Natural Resources Commission adopted the Rules and Regulations of the Nebraska Resources Development Fund. The Rules and Regulations were approved by the Attorney General on February 24, 1975 and were filed on February 25, 1975.

In order to make the Rules and Regulations more compatible with the Law, they were revised in July, 1975, and a joint public hearing between the Advisory Board and the Natural Resources Commission was held on August 21, 1975. The changes were adopted and filed with the Attorney General on August 25, 1975.

Since the Development Fund has been operating as a fund, the following project proposals and applications have been received and action taken:

PROJECTS SUBMITTED TO THE DEVELOPMENT FUND FOR ASSISTANCE

BUFFALO CREEK PROJECT PROPOSAL

Project is sponsored by the Central Platte Natural Resources District. The proposal was received on January 26, 1976 and requested 75% of total estimated cost of $1,370,000 or a request of $1,027,500. The project, as envisioned, will control runoff from uplands (approximately 75,000 acres) of the watershed by the installation of floodwater retarding structures. The Advisory Board has advised the applicant to proceed with application and feasibility report.

CRYSTAL LAKE PROJECT APPLICATION

Sponsored by Adams County Board of Supervisors. The project application was received on December 9, 1975, and requested $80,625 of Development Fund assistance. The project involves re-development of a recreation lake and construction of a levee to protect it from flooding. The Advisory Board recommended funding of the project. The Natural Resources Commission accepted that recommendation. In so doing, the Commission allocated seventy-five percent or up to $80,625 for the construction of the Crystal Lake Project. Total project cost of $215,000 is to be provided by the Development Fund, $107,500 from the Bureau of Outdoor Recreation and $26,875 from the combined efforts of Adams County, the Little Blue NRD, Ayr Bicentennial Committee and local contributions.

CUB CREEK PROJECT APPLICATION

Sponsored by the Middle Niobrara Natural Resources District. Application was received on May 12, 1976 and requested $67,575 from the Fund. Further finding involves $147,000 from the State Department of Roads, $22,525 of NRD and local funds. The project consists of a re-location of Highway 12 and includes a road structure with a permanent recreation pool of about 35 acres. The Advisory Board recommended funding and the Nebraska Natural Resources Commission allocated the amount requested for the project.

DAVID CITY PROJECT PROPOSAL

Sponsored by the Lower Platte North Natural Resources District. The project proposal was received May 3, 1976, and requests $982,162. The project principally consists of stormwater drainage for David City and flood control for those areas downstream. At this time the District is re-evaluating the project at the recommendation of the Advisory Board.

MASKENTHINE PROJECT APPLICATION

In the 1975 Report, it was noted that the project had been allocated funds up to $300,000. The project was completed in September of this year. Grass seedings are complete, the arboretum is established with about thirty-five different species of trees (to be expanded), the lake contains about fifteen feet of water and is stocked with Fingerling Bass, Catfish and

Bluegill. Habitat development is outstanding. Final payment will be made in the near future. Funding involved the Development Fund, Bureau of Outdoor Recreation Funds, NRD and local contributions.

MC COOK PROJECT APPLICATION

Sponsored by the Middle Republican Natural Resources District. The Application was received on October 18, 1976 and requests $489,774 from the Fund. The remainder of the total $653,032 will be made up by the NRD, Red Willow County and the City of McCook. The project involves construction of two dry structures above the City of McCook, on the drainage from the northeast and northwest, for the purpose of flood control. Action by the Advisory Board is scheduled for November.

MISSOURI RIVER LEVEE - R-616 PROJECT PROPOSAL

Sponsored by the Papio Natural Resources District. The proposal was received on February 18, 1975, and requested $180,000 in the form of a grant. The project is to construct a levee from Bellevue to the Platte River along the Missouri River on the Nebraska boundary. Because of the land acquisition aspect of the project, the Advisory Board referred the sponsors to the Small Watersheds Flood Control Fund. They were also notified that an application could follow after going through that fund. There has been no further action since May, 1975, except that the project was deemed eligible under the Small Watersheds Flood Control Fund.

OLIVER DAM PROJECT PROPOSAL

Sponsored by the South Platte Natural Resources District. The project proposal was received on December 15, 1975 and has requested $275,000 from the Development Fund. The project will reconstruct the structure at Oliver Reservoir and insure recreation in that area. The Advisory Board has recommended that the sponsor proceed with the application and feasibility report. An engineering firm has been acquired and is presently working on that application.

RAWHIDE CREEK PROJECT PROPOSAL

Sponsored by the Lower Platte North Natural Resources District. The proposal was received on July 8, 1976 and has requested $584,500. The project presently includes a flood water structure and channelization for diversion of flood waters from the City of Fremont. The Advisory Board has recommended that the sponsor proceed with application and feasibility report. An engineering firm is presently working on the application.

SARGENT IRRIGATION PROJECT PROPOSAL

Sponsored by the Sargent Irrigation District. The proposal was received on October 13, 1976, and requests $77,775 from the Development Fund. The project consists of construction of a holding pond designed to furnish

water to downstream users by storage and release. The Advisory Board has not taken action other than to distribute the proposal to the committee for review.

SILVER CREEK PROJECT PROPOSAL

Sponsored by the Central Platte Natural Resources District. The proposal was received January 26, 1976 and requests an estimated $1,987,500. The project is for flood control in a multi-purpose project to develop water conservation, pollution and siltation control, drainage, and wildlife habitat enhancement. The Advisory Board has advised the applicant to proceed with application and feasibility report.

SUMMIT LAKE PROJECT PROPOSAL

Sponsored by the Middle Missouri Tribs Natural Resources District. The proposal was received April 23, 1976 and requests $331,687. Summit Lake (Tekamah-Mud Creek Watershed Structure 5-A) is a portion of the watershed project; it will create flood control, erosion and sediment control and will provide recreation facilities. The Advisory Board has recommended that the sponsor proceed with application and feasibility report.

WALNUT CREEK PROJECT APPLICATION

Sponsored by the Lower Big Blue Natural Resources District. The application was received on January 7, 1976 and requests $230,817. The project consists of five watershed structures designed for flood control and provide limited recreation. The sponsor is presently updating the project.

WATER SUPPLY PROJECT PROPOSAL (Douglas & Washington Co.)

Sponsored by the Papio Natural Resources District. The proposal was received on February 18, 1975 and requested $647,350 in the form of a loan and/or a grant. The project is to provide a drinking water supply system to areas just north of Omaha and possibly to the Village of Fort Calhoun. The Advisory Board has recommended that the sponsors obtain full F.H.A. funding prior to submitting a final application. The Board has also determined that the project is eligible for a loan, but not a grant. There has been no further action since May 16, 1975.

WILLOW CREEK PROJECT PROPOSAL

Sponsored by the Lower Elkhorn Natural Resources District. The proposal was received on July 15, 1975, and actual amount of funds have not been requested. The project proposal is for the construction of a flood control and recreation structure and area on Willow Creek in Pierce County. The Advisory Board has recommended that the sponsor proceed with Phase II of project proposal steps. At completion of Phase II, the Board will receive a report of project progress.

PROJECTS NOT FUNDED BY THE NEBRASKA RESOURCES DEVELOPMENT FUND

CENTRAL PLATTE GROUND WATER/NITRATE PROJECT PROPOSAL AND APPLICATION

Sponsored by the Central Platte Natural Resources District. The project proposal was received April 3, 1975 and requested $96,350 in the form of a grant. The project proposal is to provide funds to advance a study of the high nitrate problems along the Platte Valley. Application of the study and its findings are assumed to be state-wide in scope, especially with the new emphasis on ground water drinking supplies. Funding for the project will be via the Section 208 (P.L. 92-500) Non-Point Source Planning for Water Quality Control Program. Project was withdrawn from the Development Fund by the sponsor.

HANSON'S LAKE INQUIRY

Submitted by Sarpy County Board of Commissioners. The inquiry was requesting funds to strengthen a dike adjacent to the Platte River; no funds actually requested; the Advisory Board recommended that the sponsor submit a proposal. The sponsor was cautioned that no funds could be allocated or committed unless the project was in conformance with L.B. 108, the Flood Plain Law of 1967 and the Corps of Engineers dredging and filling permit qualifications. No further action has been directed to the Development Fund.

WATER SUPPLY PROJECT APPLICATION (THAYER & JEFFERSON CO.)

Sponsored by the Little Blue Natural Resources District. The project application was received on April 4, 1975 and requested $137,000 in the form of a grant. The project is to supply a rural water system for 130 benefit users. The Advisory Board recommended to the Commission that the project was eligible for a loan and not a grant. The Commission voted to uphold that recommendation and the applicant sponsor was so informed. The sponsor reapplied to Fm.H.A. and received the necessary funding in the form of a grant and has withdrawn the application.

WHITNEY WATER IRRIGATION SUPPLY LINE PROJECT PROPASAL

Sponsored by the Whitney Irrigation District. The project proposal was received on April 7, 1975 and requested $19,500 in the form of a grant. The project is to fund a feasibility study for future application to the Bureau of Reclamation to refurbish the Whitney Irrigation Project. The Advisory Board advised the Commission that a feasibility study of this nature is ineligible for funding under the Rules and Regulations of the Development Fund. However, after the total project is funded, those costs not federally supported may be eligible for Development Fund assistance. The Commission voted to disapprove eligibility at that time, and the

sponsors were so notified. No further action through the Development Fund has occurred on this project to date.

WINTERS CREEK PROJECT APPLICATION

Sponsored by the North Platte Natural Resources District and Scotts Bluff County. The proposal was received on October 31, 1975, and requested $375,000 in the form of a grant. The project was for construction of a dry dam on Winters Creek for flood control and for construction of a drainage bypass ditch around the north fringe of Scottsbluff. Due to lack of public support for the project, the sponsors have withdrawn the project from the Development Fund.

FUNDING EXPENDITURES

Three Projects: Maskenthine--$300,000; Cub Creek--67,575; Crystal Lake--80,625 have been allocated funds. Disbursement of funds will follow completion of work elements as performed.

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

(Signed) Donis Petersan
Chairman
Development Fund Advisory Board

December 30, 1976

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

Dear Mr. Brown:

In accordance with Section 2-3262, R.R.S. 1943, the Nebraska Natural Resources Commission hereby reports that during calendar year 1976 the Commission paid the Merritt Public Relations and Advertising Company of Lincoln, Nebraska the sum $1,809.45 for public information services. No fees were paid to attorneys, lobbyist, or other public relations representatives during said calendar year.

Sincerely,

(Signed) Dayle E. Williamson
Executive Secretary

DEW:JC:mp

DISTRICT	ATTORNEYS	FEE $
Central Platte	James Shamberg and James Cunningham	985.00
Lewis & Clark	Craig Monson	243.75
Lower Big Blue	Everson, Noble, Wullschleger, Sutter & Fischer	9,538.27
Lower Loup	None	
Lower Niobrara	None	
Lower Platte North	Sabata & Egr	274.80
Lower Platte South	Crosby, Pansing, Guenzel	18,211.45
Lower Republican	McKelvie-McNally	15.00
Middle Missouri Tribs	C. James Galvin	1,909.57
Middle Niobrara	Harvey Neal	204.65
Middle Republican	Fred Schroeder, Jr.	380.00
North Platte	Holtorf, Hansen, Kovarik & Nuttleman, P.C.	2,532.35
Papio	Moore, Moore & Peters	10,230.36
South Platte	VanSteenberg, Myers, Burke	1,084.14
Tri-Basin	Anderson, Storms & Strasburger	225.00
Twin Platte		1,769.13
Upper Big Blue	Svehla and Brugh	1,262.50
Upper Elkhorn	None	
Upper Loup	John C. Coupland	80.00
Upper Niobrara-White	None	
Upper Republican	Terry Savage	100.00

CODE OF ETHICS BOARD

December 14, 1976

Hon. Vincent Brown, Clerk
State Legislature
State Capitol Building
Lincoln, Nebraska 68509

SUMMARY REPORT OF ACTIVITIES 49-1115

Friend Vince,

As chairman of the Code of Ethics Board this letter is a summary report of the Boards activities covering the years 1975 and 1976.

The Board held two called meetings in 1975 and issued two advisory

opinions under Section 49-1114.

In 1976 the Board held three regularly called meetings and issued seven advisory opinions.

Much of the work of the Board was done by correspondence and telephone. Minutes of all meetings were kept and approved at the next meeting and the record is in my possession.

Due to the different times that various sections of LB987 (1976 Legislature) were to become operative, a request for an opinion from the Department of Justice was made and received. This opinion stated that the Code of Ethics Board will exist until June 30, 1977. Under 49-1108 the terms of the members of this Board shall terminate on January 6, 1977.

Sincerely,

(Signed) Donald R. Treadway, Chairman
Code of Ethics Board

DRT/pl
cc: To Code of Ethics Board members
cc: Hon. J. James Exon, Governor

STATE TORT CLAIMS

December 23, 1976

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

Dear Mr. Brown:

In conformity with the provisions of Section 81-8,226, R.S.Supp., 1976, 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 not 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 nineteen 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. 0010 - Roy Williams - District Court of Lancaster County - $26,164.66 - For death of son by drowning in a state lake near Hickman. Case dismissed by Court on its own motion for want of prosecution. Similar case decided by Nebraska Supreme Court in the State's favor after this case was filed probably discouraging to plaintiff.

The agency involved was the Game and Parks Commission.

Tort Claim No. 1020 - Lowell Inselman - District Court of Lancaster County - $71,500 - For death by drowning in a state lake northwest of Lincoln. Trial to the Court, who found for the State. The agency involved was the Game and Parks Commission.

Tort Claim No. 1040 - Maxine Novak - District Court of Lancaster County - $25,000 - Injuries suffered in fall on polished floor of Nebraska Center for Continuing Education. University had insurance and case was defended by lawyer for insurance company. Judgment for plaintiff in the amount of $18,500 was paid by the insurance company for the University. The agency involved was the University of Nebraska-Lincoln.

Tort Claim No.'s 2025 and 2026 - John Hernandez - Dictict Court of Douglas County-$35,000 and $4,195.10 - For burns suffered by premature birth of claimant's son after birth using rubber gloves filled with very hot water in incubator. Claim was defended by attorneys for insurance company and settlement entered into and paid by insurance company for $6,500 and $1,000, respectively on claims, to guardian of minor, and to parents. The agency involved was the University of Nebraska Medical Center.

Tort Claim No. 2039 - Reformed Church in America - District Court of Thurston County - $682.18 - For damage to automobile in collision with State owned vehicle. Defended by State's motor vehicle insurance company. Settled by payment in full by insurance company. The agency involved was the Department of Agriculture.

Tort Claim No. 2040 - Donald McCauley, Sr. - District Court of Thurston County - $54,012.10 - Companion case to No. 2039. Settled and paid by insurance company for $10,000. The agency involved was the Department of Agriculture.

Tort Claim No. 2042 - Joseph Branstatter - District Court of Kearney County - $877.76 - Damage to motor vehicle which went out of control upon traversing newly oiled and graveled road repair section of highway. Trial was had to the Court with the Court finding for the defendant State and dismissing the action. The agency involved was the Department of Roads.

Tort Claim No. 2048 - James McNally - District Court of Holt County - $25,000 - Damage to truck and loss of eye of driver when truck skidded after rain on slippery newly-repaired highway. Settlement for $5,000 paid by State. The agency involved was the Department of Roads.

Tort Claim No. 3003 - Jerry Cossaart - District Court of Lancaster County - $19,139.78 - Injury of inmate of Penal Complex while using bench saw not equipped with required safety devices. Trial to Court with judgment for plaintiff of $6,875.00, paid by State. The agency involved was the Department of Correctional Services.

Tort Claim No. 3046 - Clark Huff - District Court of Kimball County - $4,039 - Claim for loss of cattle by drowning and slipping on ice resulting in alleged improper construction of combination cattle pass and culvert

under Interstate highway. Trial to Court with finding for defendant and dismissal of action. The agency involved was the Department of Roads.

Tort Claim No. 4026 - Mary Pangle - District Court of Douglas County - $26,339.20 - Claimant was injured in fall from swing on State recreation grounds when an S clamp holding the swing apparently opened. Plaintiff claimed negligence of State under legal doctrine of res ipsa loquitur. Court found for the State and dismissed the action. The agency involved was the Game and Parks Commission.

Tort Claim No. 4032 - Mid States Sales Co. - District Court of Dawson County - $4,000 - Claimant alleged improper action of brand inspector in releasing funds on sale of cattle which were under security agreement. Other defendants were made parties. State filed demurrer which was sustained by Court. The agency involved was the Brand Commission.

Tort Claim No. 4061 - Leota Solick - District Court of Lancaster County - $27,735.61 - Claimant assaulted a victim of attempted rape resulting in various physical and mental injuries including knife wounds. Assault made by escaped prisoner of Penal Complex who had been released with others under custody of two guards to attend an Indian powwow held in vicinity of claimant's home. After escape quards did not promptly notify Penal Complex of escape and Lincoln Police were not notified until considerably later. Settlement made by State in amount of $17,735.61. The agency involved was the Department of Correctional Services.

Tort Claim No. 4064 - Stanley Hogle - District Court of Lancaster County - $4,500 - Claimant was employee of contractor repairing bridge but using State's special equipment and operators. He fell from movable scaffold and claimed negligence on part of State employees. Court held for defendant as contractor's men gave word that attached line was clear when it was not. The agency involved was the Department of Motor Vehicles.

Tort Claim No. 5053 - Darlene Kinser - District Court of Douglas County - General damages. Claimant fell on broken step of building owned by City of Omaha but used by State. Settled for $7,200, half paid by City, half by State. The agency involved was the Department of Motor Vehicles.

Tort Claim No. 5056 - Stanley Peniska - District Court of Douglas County - $50,000 - Mr. Peniska was delivering shipment to University Medical Center warehouse and slipped on dock which he claimed was too smooth and poorly lighted. Insurance carrier for University settled case for $3,500. The agency involved was the University Medical Center.

Tort Claim No. 5067 - Richard Johnson - District Court of Adams County - $2,350.35 - Claimant's car was taken and wrecked by inmate of Hastings Regional Center who escaped from custody. He had gotten away before and was recognized as likely to cause trouble. Settled for $1,566.90 or two-thirds of claim. The agency involved was the Department of Public Institutions.

In addition to the above the following is included as being inadvertently omitted from the report made last biennium:

Tort Claim No. 0016 - Lloyd Oman - District Court of Dawson County - $236.81 - Damage to vehicle in accident with another vehicle when being driven on Highway U.S. 30 but through smoke caused by Department of Roads maintenance forces burning weeds, flagman waved claimant on just before wind shifted sending smoke back across highway. Settled for $100. The agency involved was the Department of Roads.

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,

(Signed) Paul L. Douglas
Attorney General

PLD:HSS:jc

BILLS ON FIRST READING

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

LEGISLATIVE BILL 1. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 17-107, Revised Statutes Supplement, 1976, relating to cities of the second class and villages; to correlate legislation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 2. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 79-1509, Revised Statutes Supplement, 1976, relating to schools; to correlate legislation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 3. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 49-501, Reissue Revised Statutes of Nebraska, 1943, relating to the publication and distribution of session laws and journals; to eliminate the maximum number of session laws and journals that may be printed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 4. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend sections 49-1482 and 49-1486, Revised Statutes Supplement, 1976, relating to lobbying; to change the registration fee and the period of registration as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 5. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 24-516, Reissue Revised Statutes of Nebraska, 1943, relating to county courts; to harmonize provisions; to repeal the original section, and also section 24-504, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 6. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 77-1856, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to harmonize with previous legislation; and to repeal the original section.

LEGISLATIVE BILL 7. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 50-701, Revised Statutes Supplement, 1976, relating to the Legislative Audit Review Committee; to change the date the chairman shall be elected; and to repeal the original section.

LEGISLATIVE BILL 8. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend sections 49-704, 49-705, 49-707, 49-765, and 49-767, Reissue Revised Statutes of Nebraska, 1943, relating to statute revision; to clarify powers and duties of the Revisor of Statutes as prescribed; and to repeal the original sections, and also sections 49-702.01, 49-705.01, 49-706, 49-721 to 49-764, and 49-768, Reissue Revised Statutes of Nebraska, 1943, and section 49-766, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 9. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 24-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court; to change the

distribution of the Supreme Court Reports; and to repeal the original section.

LEGISLATIVE BILL 10. By Executive Board: Barnett, 26th District, Chairman.

A BILL FOR AN ACT to amend section 30-103.01, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to correct an erroneous internal reference; and to repeal the original section.

LEGISLATIVE BILL 11. By Rumery, 42nd District.

A BILL FOR AN ACT to amend sections 18-1904, 18-1907, 18-1910, and 18-1911, Reissue Revised Statutes of Nebraska, 1943, relating to plumbing inspections; to change provisions relating to meetings; to expand the jurisdiction for which a license is needed to do any plumbing work; to change provisions relating to fees as prescribed; to retain powers of home rule chartered cities; and to repeal the original sections.

LEGISLATIVE BILL 12. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 81-1318, Reissue Revised Statutes of Nebraska, 1943, relating to the State Personnel Board; to provide new membership as prescribed; and to repeal the original section.

LEGISLATIVE BILL 13. By Barnett, 26th District.

A BILL FOR AN ACT relating to rules of the road; to designate parking spaces for paraplegics as prescribed; and to provide for the removal of unauthorized vehicles.

LEGISLATIVE BILL 14. By Barnett, 26th District.

A BILL FOR AN ACT relating to labor; to provide that no employee or applicant for employment shall be compelled to take a polygraph examination.

LEGISLATIVE BILL 15. By Nichol, 48th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize such commission to develop and improve Lake Minatare State Recreation Area; to make an appropriation for such purpose; and to declare an emergency.

LEGISLATIVE BILL 16. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1976, relating to taxation; to provide an exemption from sales and use tax; and to repeal the original section.

LEGISLATIVE BILL 17. By Nichol, 48th District.

A BILL FOR AN ACT to amend sections 28-1212 and 28-1213, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to change penalties relating to no-fund and insufficient-fund checks, drafts, orders, or assignment of funds; and to repeal the original sections.

LEGISLATIVE BILL 18. By Nichol, 48th District.

A BILL FOR AN ACT to amend sections 45-114, 45-137, and 45-138, Reissue Revised Statutes of Nebraska, 1943, relating to installment loans; to increase the maximum amount, maximum interest rate, and period for repayment of such loans; and to repeal the original sections.

LEGISLATIVE BILL 19. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 28-964.01, Reissue Revised Statutes of Nebraska, 1943, relating to lotteries; to permit increased local control; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 20. By Barnett, 26th District.

A BILL FOR AN ACT relating to alcoholic liquors; to authorize cities and villages to establish the maximum number of retail alcoholic liquor licenses within their corporate boundaries; to declare intent; and to prescribe certain duties of the Nebraska Liquor Control Commission.

LEGISLATIVE BILL 21. By Savage, 10th District.

A BILL FOR AN ACT relating to the State Boat Act; to reduce the length of sections in the State Boat Act; to extend the registration period; to change boat registration fees as prescribed; to require registration of additional vessels; to provide for decentralization of the registration system; to provide an operative date; and to repeal sections 81-815.01 to 81-815.05 and 81-815.07 to 81-815.20, Reissue Revised Statutes of Nebraska, 1943, and section 81-815.06, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 22. By Swigart, 8th District.

A BILL FOR AN ACT to repeal section 79-1906, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska School for the Deaf.

LEGISLATIVE BILL 23. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 67-202, 67-209, 67-210, 67-219, 67-225, and 67-232, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Limited Partnership Act; to provide for acknowledgment; to provide provisions relating to the removal or failure of reelection of a general partner; to provide for payment of partnership property to limited partners as prescribed; to provide when certain assignees may not vote; to provide who may sign the writing to amend or cancel a certificate; to change recording fees; and to repeal the original sections.

LEGISLATIVE BILL 24. By Barnett, 26th District.

A BILL FOR AN ACT to amend section 74-424, Reissue Revised Statutes of Nebraska, 1943, relating to railroads; to allow acquisition of certain real estate by state agencies; and to repeal the original section.

LEGISLATIVE BILL 25. By Keyes, 3rd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII of the Constitution of Nebraska, by amending section 2 and repealing section 11 thereof, relating to revenue; to change the manner of taxing public corporations and political subdivisions organized primarily to provide electricity or irrigation and electricity; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 26. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 77-112, Revised Statutes Supplement, 1976, relating to taxation; to include certain conditions for computing the actual value of real estate; and to repeal the original section.

LEGISLATIVE BILL 27. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 77-1226.01 and 77-1226.02, Revised Statutes Supplement, 1976, relating to taxation; to remove an exemption; to remove certain licensing requirements; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 28. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 77-908 and 77-909, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to increase premium taxation rates on certain insurance companies; and to repeal the original sections.

LEGISLATIVE BILL 29. By Maresh, 32nd District.

A BILL FOR AN ACT relating to county community buildings; to provide procedures; and to provide for agreements with respect to such buildings.

LEGISLATIVE BILL 30. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1976, relating to taxation; to authorize an increase in the food sales tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 31. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 39-810, Revised Statutes Supplement, 1976, relating to bridges; to provide that county personnel and equipment may be used for all repairs; and to repeal the original section.

LEGISLATIVE BILL 32. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 77-1202, Revised Statutes Supplement, 1976, relating to taxation; to provide situs for vessels for purposes of taxation; and to repeal the original section.

LEGISLATIVE BILL 33. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 79-1334, 79-1335, 79-1336, 79-1337, and 79-1343, Reissue Revised Statutes of Nebraska, 1943, and sections 79-490, 79-4,161, 79-4,166, 79-1333, and 79-1338, Revised Statutes Supplement, 1976, relating to education; to change amounts of financial support; to impose certain spending limitations; to include specific programs in state financial support calculation; to increase the amount of state financial support; to repeal the original sections, and also section 79-1334.01, Reissue Revised Statutes of Nebraska, 1943, and section 79-4,164, Revised Statutes Supplement, 1976.

Mrs. Marsh asked unanimous consent to add her name as co-introducer to LB 33. No objections. So ordered.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 34. By Koch, 12th District.

A BILL FOR AN ACT to amend section 42-121, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to provide that laboratory evidence of immunological response to rubella shall be required before a marriage license is issued; and to repeal the original section.

LEGISLATIVE BILL 35. By Koch, 12th District.

A BILL FOR AN ACT relating to state institutions; to transfer the Library for the Blind and Physically Handicapped to the Department of Public Institutions as prescribed; and to declare an emergency.

LEGISLATIVE BILL 36. By Barnett, 26th District.

A BILL FOR AN ACT relating to local government; to permit the merger of municipal and county governments as prescribed; and to provide powers and duties of the consolidated government.

LEGISLATIVE BILL 37. By Reutzel, 15th District.

A BILL FOR AN ACT relating to education; to establish an education assistance program for Nebraska citizens attending schools of podiatric medicine outside the State of Nebraska; to establish procedures; and to make an appropriation.

LEGISLATIVE BILL 38. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Chambers, 11th District; Barnett, 26th District; Schmit, 23rd District.

A BILL FOR AN ACTto adopt the Nebraska Criminal Code; to provide an operative date; to provide severability; to provide duties; and to repeal Chapter 28, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except sections 28-1020 to 28-1031 and 28-1108 to 28-1110, and articles 14, 15, and 16, Reissue Revised Statutes of Nebraska, 1943, and sections 28-476.01, 28-476.02, and 28-4,135.01, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 39. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Chambers, 11th District; Barnett, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 54-101.01, 54-107, 54-114, 54-116, 54-117, 54-119, 54-124, 54-128, 54-130, 54-133.03, 54-143.01, 54-143.02, 54-145.06, 54-156, 54-158, 54-302, 54-306, 54-415, 54-613, 54-709, 54-726.04, 54-750 to 54-752, 54-753.04, 54-753.05, 54-758, 54-760, 54-761, 54-906, 54-1011, 54-1171, 54-1181.01, 54-1203, 54-1337, 54-1343, 54-1345, 54-1408, 54-1411, 54-1509, 54-1521, 54-1605, 54-1711, 54-1808, 54-1913, 55-142, 55-165, 55-166, 55-175, 55-177, 55-428, 57-507, 57-516, 57-713, 57-915, 57-1106, 59-505, 59-705, 59-801, 59-802, 59-805, 59-815, 59-825, 59-1503, 60-116, 60-117, 60-331.02, 60-343, 60-344, 60-409.13, 60-414, 60-423, 60-430, 60-430.01, 60-430.07, 60-436, 60-506, 60-558 to 60-560, 60-1005, 60-1202, 60-1307 to 60-1309, 60-1407.02, 60-1411.04, 60-1418, 60-1612, 60-1707, 60-1808, 60-1908, 60-1911, 60-2106 to 60-2108, 60-2307, 62-304, 63-103, 66-102, 66-107, 66-312, 66-312.01, 66-316, 66-326, 66-410.02, 66-410.07, 66-419, 66-427, 66-431, 66-432, 66-443, 66-520.01, 66-524, 66-637, 68-314, 68-1017, 69-109, 69-208, 69-1005, 69-1007, 69-1008, 69-1102, 69-1215, 69-1324, 70-409, 70-508, 70-511, 70-514, 70-642.04, 71-166, 71-167, 71-1,101, 71-1,132.36, 71-1,147.13, 71-1,167, 71-220, 71-338, 71-502, 71-503, 71-506, 71-515, 71-613, 71-1006, 71-1103, 71-1114, 71-1118, 71-1343, 71-1613, 71-1631.01, 71-1805, 71-1905, 71-2028, 71-2511, 71-2718 71-2916, 71-3107, 71-3213, 71-3517, 71-3715, 71-3822, 71-3829, 71-4719, 72-245, 72-313, 73-105, 74-204, 74-560, 74-584, 74-593, 74-607, 74-609.01, 74-706, 74-710, 74-806, 74-819, 74-906, 74-912, 74-914, 74-1001, 74-1012, 74-1124, 75-127, 75-151, 75-155, 75-322.01, 75-428, 75-429, 75-434, 75-610, 75-723, 76-247, 76-527, 77-408, 77-605, 77-607, 77-668, 77-1219, 77-1220, 77-1231.01, 77-1232, 77-1261, 77-1268, 77-1318.02, 77-1324, 77-1719.02, 77-1725, 77-1726, 77-1816, 77-2026, 77-2105, 77-2310, 77-2311, 77-2323, 77-2325, 77-2326, 77-2350.02, 77-2614, 77-2615, 77-2619, 77-2711, 77-2713, 77-27,113 to 77-27,116, 77-3009, 77-3110, 79-216, 79-454, 79-493, 79-4,138, 79-514, 79-516, 79-806, 79-1051, 79-1269, 79-1273, 79-1553, 79-1707, 79-1808, 79-1824, 80-405, 81-217.10, 81-217.15, 81-228, 81-257, 81-263.79, 81-263.122, 81-267, 81-275.33, 81-280, 81-291, 81-293, 81-2,120, 81-2,121, 81-2,134, 81-2,147.09, 81-2,154, 81-2,157, 81-2,179, 81-2,185, 81-2,196, 81-513, 81-522, 81-538, 81-541, 81-812.04, 81-815.19, 81-815.33, 81-8,127, 81-8,142, 81-8,158, 81-8,205, 81-8,254, 82-111, 82-124, 82-126, 83-198, 83-1,133, 83-356, 83-417, 83-473, 84-712.03, 84-1327, 86-106, 86-108, 86-110, 86-202, 86-203, 86-210, 86-211, 86-329, 86-503, 86-702, 86-707, 87-220, 88-402, 88-513, 88-515, 88-522, and 88-615, Reissue Revised Statutes of Nebraska, 1943, sections 54-133, 54-796, 54-839, 54-1811, 60-320, 60-403.01, 60-403.10, 60-407, 60-1416, 60-2211, 66-466, 71-1331, 71-2045.09, 71-2512, 71-4608, 72-802, 76-1315, 77-202.20, 77-1226.01, 79-442, 79-488, 79-488.06, 81-161.05, 81-2,162.17, 81-2,230, 81-5,113,

81-885.45, 81-8,286, 81-1108.18, 81-1117.03, 81-1525, 83-151, 83-443, 84-1414, 85-179.10, 88-518, 89-1,101, and 90-104, Revised Statutes Supplement, 1976; and to repeal the original sections.

RECESS

At 12:10 p.m., on a motion by Mr. Savage, 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. Brennan and Duis who were excused and Messrs. Dworak and Hasebroock who were excused until they arrive.

SELECT COMMITTEE REPORT
Committee on Committees

January 6, 1977

The Committee on Committees met in Room 1019 at 3:30 P.M., January 5, 1977 and selected the following members for recommendation to the Legislature to serve as committee members during the 85th Legislative Session.

AGRICULTURE AND ENVIRONMENT – Loran Schmit, Chairman

Richard Maresh	Pat Venditte
Elroy Hefner	Howard Lamb
Bill Burrows	John DeCamp
Martin Kahle	

APPROPRIATIONS – Jerome Warner, Chairman

Shirley Marsh	John Savage
William Hasebroock	Ron Cope
Steve Fowler	Glenn Goodrich
Douglas Bereuter	Myron Rumery

BANKING, COMMERCE & INSURANCE – John DeCamp, Chairman

Nelson Merz	Bernice Labedz
Jack Mills	Loran Schmit
Warren Swigart	John R. Murphy
Herbert Duis	

CONSTITUTIONAL REVISION & RECREATION – Gerald Koch, Chairman

Wally Barnett, Jr.
Sam Cullan
Tom Fitzgerald
Barry Reutzel
Cal Carsten
Bernice Labedz

EDUCATION – Frank Lewis, Chairman

Tom Fitzgerald
Howard Lamb
Gerald Koch
Martin Kahle
Maurice Kremer
Jo Ann Maxey
Walter George

GOVERNMENT, MILITARY & VETERANS AFFAIRS – Dennis Rasmussen, Chairman

Jo Ann Maxey
Walter George
Ernest Chambers
Herbert Duis
Larry Stoney
William Nichol
Neil Simon

JUDICIARY – Wally Barnett, Jr., Chairman

Ernest Chambers
Bill Nichol
Larry Stoney
Sam Cullan
Barry Reutzel
Cal Carsten
Pat Venditte

LABOR – Richard Maresh, Chairman

Tom Fitzgerald
Dennis Rasmussen
Bill Brennan
John R. Murphy
Frank Lewis
Howard Lamb

MISCELLANEOUS SUBJECTS – Donald Dworak, Chairman

Frank Lewis
Richard Marvel
Dave Newell
Robert Clark
Bill Brennan
Orval Keyes
John R. Murphy

PUBLIC HEALTH AND WELFARE – Richard Lewis, Chairman

Richard Maresh
Keith Boughn
Ralph Kelly
Harold Moylan
Bill Brennan
Dennis Rasmussen

PUBLIC WORKS – Maurice Kremer, Chairman

Nelson Merz
Jack Mills
Ralph Kelly
Richard Lewis
Harold Moylan
Warren Swigart
Keith Boughn

REVENUE – Orval Keyes, Chairman

Dave Newell	Donald Dworak
Richard Marvel	Bill Burrows
Neil Simon	Elroy Hefner
Robert Clark	

URBAN AFFAIRS – Walter George, Chairman

Jo Ann Maxey	Gerald Koch
Herbert Duis	John DeCamp
Bernice Labedz	Loran Schmit
Martin Kahle	

RULES – John DeCamp, Chairman

Cal Carsten	Ernest Chambers
Ralph Kelly	Jack Mills

INTERGOVERNMENTAL COOPERATION – Larry Stoney, Chairman

Shirley Marsh	Gerald Koch
Donald Dworak	Robert Clark

Vice-Chairperson, Committee on Committees – Shirley Marsh

(Signed) John S. Savage, Chairman
Committee on Committees

Mr. Savage moved the report be adopted.

The motion prevailed with 27 ayes, 2 nays and 20 not voting.

The report was adopted.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 40. By Judiciary Committee: Luedtke, 28th District, Chairman; DeCamp, 40th District; Chambers, 11th District; Barnett, 26th District; Schmit, 23rd District.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 1-166, 2-219, 2-220, 2-220.03, 2-1007, 2-1036, 2-1042, 2-1045, 2-1052, 2-1059, 2-1215, 2-1218, 2-1806, 2-1807, 2-1811, 2-1825, 2-2319, 2-2409, 2-2446, 2-2607, 2-2710, 2-3008, 2-3109, 3-152, 3-330, 3-408, 3-613, 4-106, 7-101, 7-111, 8-109, 8-113, 8-114, 8-118, 8-119, 8-127, 8-133, 8-138, 8-139, 8-142, 8-145, 8-147, 8-154, 8-175, 8-189, 8-1,119, 8-225, 8-226, 8-305, 8-333, 8-345, 8-403.04, 8-417.01, 8-449, 8-829, 8-904, 8-1014, 8-1117, 8-1207, 9-102, 9-122, 10-509, 10-807,

11-101.02, 12-512.07, 12-519, 12-617, 13-116, 21-622, 21-1306, 21-1318, 21-1332, 21-1771, 22-303, 23-135.01, 23-147, 23-343.09, 23-343.45, 23-343.94, 23-350, 23-387, 23-808, 23-813, 23-817, 23-919, 23-928, 23-1507, 23-1612, 23-2325, 24-216, 25-1563, 25-1630, 25-1635, 28-1020, 28-1021, 28-1022, 28-1027, 28-1029, 28-1109, 28-1406, 28-1508, 28-1604, 29-739, 29-817, 29-835, 29-908, 31-435, 31-828, 32-415, 32-416, 32-430, 32-461, 32-493, 32-713, 32-821 to 32-823, 32-1050, 32-1054, 32-1202 to 32-1234, 32-1237 to 32-1240, 33-132, 35-520, 36-213.01, 37-103, 37-208, 37-211.01, 37-213, 37-213.01, 37-213.06, 37-215.07, 37-235, 37-306, 37-309, 37-406.02, 37-410, 37-414, 37-421, 37-503.06, 37-506, 37-516 to 37-518, 37-520, 37-523, 37-525, 37-527, 37-604, 37-605, 37-610, 37-706, 37-712, 37-718, 37-719, 37-726, 39-806, 39-808, 39-1012, 39-1335, 39-1362, 39-1412, 39-1801, 39-1806, 39-1810, 39-1815, 39-1816, 39-2612, 41-121, 41-127, 41-127.01, 41-130, 42-113, 42-126, 42-127, 43-709, 44-147, 44-333.02, 44-361.02, 44-368, 44-390 to 44-392, 44-394, 44-3,101, 44-3,106, 44-3,121, 44-624, 44-1068, 44-1070, 44-1209, 44-1438, 44-1482, 44-2007, 45-128, 45-136, 45-153, 45-154, 45-162, 45-208, 45-343, 46-155, 46-213, 46-254, 46-257, 46-263, 46-263.01, 46-266, 46-278, 46-280, 46-282, 46-607, 46-612, 46-612.01 46-807, 47-206, 48-125.01, 48-145.01, 48-147, 48-211, 48-213, 48-216, 48-219, 48-222, 48-230, 48-311, 48-313, 48-414, 48-418.11, 48-424, 48-433, 48-434, 48-442, 48-511, 48-513, 48-612, 48-614, 48-645, 48-646, 48-663, 48-664, 48-666, 48-716, 48-821, 48-910, 48-1005, 48-1118, 48-1123, 48-1206, 48-1227, 49-211, 49-231, 51-109, 52-124, 52-503, 53-111, 53-122, 53-124.07, 53-155, 53-157, 53-180.05, 53-182, 53-195 to 53-197, 53-1,100, and 53-1,104, Reissue Revised Statutes of Nebraska, 1943, and sections 2-963, 2-1207, 2-1506.12, 2-3223.01, 2-3324, 3-504, 8-140, 20-129, 23-114.05, 32-515, 32-1310, 37-211, 37-308, 37-437, 37-519, 39-6,112, 39-1320.10, and 43-205.04, Revised Statutes Supplement, 1976; and to repeal the original sections.

LEGISLATIVE BILL 41. By Judiciary Committee, Luedtke, 28th District, Chairman; Barnett, 26th District; Chambers, 11th District; Schmit, 23rd District; DeCamp, 40th District.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 39-604, 39-619.01, 39-669.19, 39-669.21, 39-699.01, 39-6,114, 39-6,152, 39-6,159, 39-6,165, 39-6,166, 39-6,168, 39-6,169, 39-6,170, 39-6,171, 39-6,176, 39-6,187, 39-707, 39-712.01, and 39-714.02, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2618, 2-3416, 28-476.02, 37-216.04, 37-216.09, 39-628.01, 39-660, 39-669.30, 39-669.34, 39-669.35, 39-6,106.01, 39-6,113, 39-6,129, 39-6,138.02, 39-6,161, 39-6,184, 39-6,188, 45-101.07, 49-1446, 49-1447, 49-1467, 49-1469, 49-1471 to 49-1479, 49-1490, 49-1492, 49-14,101, 49-14,104, 49-14,115, 49-14,134, 49-14,135, 71-1563, 71-4632, 71-5312,

and 83-1069, Revised Statutes Supplement, 1976; and to repeal the original sections.

LEGISLATIVE BILL 42. By Warner, 25th District.

A BILL FOR AN ACT relating to property taxation; to restate the method of levying taxes; to amend sections 2-203, 2-203.02, 2-203.03, 2-203.05, 2-203.06, 2-1559, 2-1560, 2-1604, 2-2444, 3-155, 3-504.02, 3-603, 3-605, 3-613, 3-707, 10-401, 10-406, 10-407, 10-409, 10-501, 10-704, 10-707, 10-801, 12-402, 12-914, 12-923, 14-365.01, 14-365.07, 14-383, 14-514, 14-1026, 14-1805, 14-1821, 15-319, 15-1016, 16-203, 16-675, 16-678, 16-688, 16-693, 16-694, 16-697, 16-702, 17-229, 17-230, 17-231, 17-506, 17-508.02, 17-529.07, 17-529.08, 17-534, 17-545, 17-702, 17-703, 17-713, 17-718, 17-925.01, 17-938, 17-950, 17-951, 17-955, 17-957, 17-964, 17-967, 18-501, 18-512, 18-1005, 18-1201, 18-1202, 18-1203, 18-1204, 18-1205, 18-1401, 18-1502, 18-1503, 18-1505, 18-2107, 19-1302, 19-1309, 19-1402, 19-2102, 19-2504, 19-3313, 19-3318, 19-3321, 22-215, 22-407, 23-104, 23-259, 23-276, 23-320.03, 23-320.05, 23-320.06, 23-320.07, 23-320.11, 23-343, 23-343.01, 23-343.11, 23-343.13, 23-343.15, 23-343.19, 23-343.21, 23-343.23, 23-343.31, 23-343.46, 23-343.53, 23-343.56, 23-344, 23-351, 23-355.01, 23-360, 23-501, 23-801, 23-802, 23-804, 23-918, 23-930, 23-2604, 23-2611, 31-370, 31-410.01, 31-411.02, 31-414, 31-424.01, 31-447, 31-450, 31-510, 31-513, 31-531, 31-540, 31-709, 31-711, 31-816, 31-821, 31-827, 31-905, 32-4,114, 35-502, 35-513.01, 35-513.02, 35-519, 39-801, 39-836, 39-1002, 39-1008, 39-1621, 39-1634, 39-1636.01, 39-1637, 39-1649, 39-1902, 39-1903, 39-1905, 39-1906, 46-139, 46-144, 46-1,127, 46-516, 46-543, 46-544, 46-553, 46-574, 46-631, 51-201, 51-316, 51-501, 68-620, 68-620.01, 70-651.04, 71-1611, 71-1629.01, 71-2910, 71-2913, 71-2914, 74-1306, 77-201, 77-506, 77-507, 77-605, 77-660, 77-662, 77-664, 77-1209.02, 77-1241.04, 77-1241.06, 77-1242.02, 77-1303, 77-1315, 77-1327, 77-1338, 77-1406, 77-1504, 77-1506.01, 77-1506.05, 77-1506.07, 77-1506.08, 77-1510, 77-1603, 77-1604, 77-1605, 77-1605.01, 77-1615, 77-1627, 77-1725, 79-408.02, 79-408.03, 79-415, 79-417, 79-420, 79-422, 79-433, 79-436, 79-451, 79-471, 79-480, 79-481, 79-506.03, 79-533, 79-536, 79-548.01, 79-904, 79-1007.02, 79-1036, 79-1052, 79-1103.02, 79-1103.03, 79-1303, 79-1335, 79-2210, 79-2302, 79-2313, 80-102, 86-402, and 86-405, Reissue Revised Statutes of Nebraska, 1943, and sections 2-201, 2-203.01, 2-3225, 3-504, 19-3315, 19-3327, 23-107.01, 23-120, 23-362, 23-362.03, 31-727.01, 31-727.03, 31-739, 31-740, 31-755, 35-508, 35-509, 39-1619, 46-673, 71-1701, 77-202.32, 77-1250, 77-1311, 79-320.01, 79-432, 79-903, 79-1007, 79-2650, 81-815.34, and 83-1,142, Revised Statutes Supplement, 1976; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 43. By Bereuter, 24th District.

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

LEGISLATIVE BILL 44. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 84-901, 84-902, 84-904, 84-908, and 84-908.01, Revised Statutes Supplement, 1976, relating to administrative rules and regulations; to establish the Administrative Rules and Regulations Review Committee; to prescribe powers and duties; to confer on the committee the powers and duties given to the Legislature's Committee on Administrative Agency Rules and Regulations; to provide for the legislative oversight of rules and regulations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 45. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 84-205, Revised Statutes Supplement, 1976, relating to the Attorney General; to provide for the implementation of acts of the Legislature held unconstitutional by the Attorney General; to provide an exception; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 46. By Murphy, 17th District.

A BILL FOR AN ACT relating to acts of the Legislature; to provide penalties for failing to implement an act of the Legislature; to provide exceptions; and to declare an emergency.

LEGISLATIVE BILL 47. By Murphy, 17th District.

A BILL FOR AN ACT to amend section 60-110, Reissue Revised Statutes of Nebraska, 1943, relating to title to motor vehicles; to provide when motor vehicles shall be subject to article 9, Uniform Commercial Code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 48. By Murphy, 17th 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.

LEGISLATIVE BILL 49. By Swigart, 8th District.

A BILL FOR AN ACT to amend section 71-4808, Revised Statutes Supplement, 1976, relating to the Uniform Anatomical Gift Act; to change the age individuals may consent to donate blood and other human tissues; and to repeal the original section.

LEGISLATIVE BILL 50. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 19-613, Revised Statutes Supplement, 1976, relating to city councils; to change provisions relating to qualifications for membership on a city council as prescribed; and to repeal the original section.

LEGISLATIVE BILL 51. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 39-6,181, Revised Statutes Supplement, 1976, relating to rules of the road; to provide an exception to truck weight limitations; and to repeal the original section.

LEGISLATIVE BILL 52. By DeCamp, 40th District.

A BILL FOR AN ACT relating to motor vehicle fuels; to provide procedures for the financing and construction of a grain alcohol plant in Nebraska; to create a fund; to provide powers and duties of the Agricultural Products Industrial Utilization Committee; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 53. By DeCamp, 40th District.

A BILL FOR AN ACT relating to state administrative agencies; to provide for legislative review of each state agency in order to simplify and condense administrative powers and duties and eliminate duplication and provide greater efficiency in state government as prescribed; to provide duties of the Executive Board of the Legislative Council and the various standing committees of the Legislature; to provide for a maximum life of state agencies; and to declare an emergency.

LEGISLATIVE BILL 54. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 32-103, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to change a definition; to specify the circumstances under which a nonpartisan candidate in a primary election shall be declared elected to the office; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1	General File	28	Revenue
2	General File	29	Gov. Mil. & Vets Afrs
3	General File	30	Revenue
4	General File	31	Public Works
5	General File	32	Revenue
6	General File	33	Education
7	General File	34	Pub. Hlth & Wel.
8	General File	35	Gov. Mil. & Vets Afrs
9	General File	36	Urban Affairs
10	General File	37	Education
11	Urban Affairs	38	Judiciary
12	Gov. Mil. & Vets Afrs	39	Judiciary
13	Urban Affairs	40	Judiciary
14	Labor	41	Judiciary
15	Cons. Rev. & Rec.	42	Revenue
16	Revenue	43	Pub. Hlth & Wel.
17	Judiciary	44	Gov. Mil. & Vets Afrs
18	Bkg. Comm. & Ins.	45	Gov. Mil. & Vets Afrs
19	Misc. Subjects	46	Gov. Mil. & Vets Afrs
20	Misc. Subjects	47	Public Works
21	Cons. Rev. & Rec.	48	Bkg. Comm. & Ins.
22	Education	49	Pub. Hlth & Wel.
23	Judiciary	50	Urban Affairs
24	Public Works	51	Public Works
25	Cons. Rev. & Rec.	52	Agric. & Env.
26	Revenue	53	Gov. Mil. & Vets Afrs
27	Revenue	54	Gov. Mil. & Vets Afrs

(Signed) Wally Barnett, Chairman
Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 55. By DeCamp, 40th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article XV of the Constitution of Nebraska, by adding thereto a new section 4A; to provide for the ownership and regulation of groundwater as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 56. By DeCamp, 40th District.

A BILL FOR AN ACT relating to zoning and land-use planning; to provide that cities and counties in this state may enact zoning and land-use regulations; to require a vote of those people affected by such regulations prior to enforcement; and to repeal sections 84-151 to 84-160, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 57. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 19-3803, Reissue Revised Statutes of Nebraska, 1943, relating to police services; to provide that the cost for police services to any village shall be negotiated; and to repeal the original section.

LEGISLATIVE BILL 58. By Nichol, 48th District.

A BILL FOR AN ACT to amend section 9-404, Uniform Commercial Code, relating to secured transactions; to increase the fee for filing and indexing a termination statement; and to repeal the original section.

LEGISLATIVE BILL 59. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 48-816, Reissue Revised Statutes of Nebraska, 1943, relating to the Court of Industrial Relations; to provide additional powers to the court as prescribed; and to repeal the original section, and also section 79-1290, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 60. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 25-1552, 25-1556, and 25-1557, Reissue Revised Statutes of Nebraska, 1943, relating to exemptions; to provide exemptions for people other than heads of families; and to repeal the original sections.

LEGISLATIVE BILL 61. By Swigart, 8th District.

A BILL FOR AN ACT relating to cities; to authorize cities to create certain business improvement and parking districts; to provide for special assessments; to authorize bonds; to amend sections 19-3401, 19-3403, 19-3404, 19-3406, 19-3407, 19-3412, 19-3417, and 19-3420, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 62. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 23-151, Reissue Revised Statutes of Nebraska, 1943, relating to county government; to provide for district election of county commissioners as prescribed; and to repeal the original section.

LEGISLATIVE BILL 63. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 14-201, 14-204, 14-205, 14-206, 14-207, 14-209, and 14-216, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide for district election of city council members; to declare intent; to provide duties and procedures; to provide for the election of the mayor; to repeal the original sections, and also sections 14-203, 14-217, and 14-222, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 64. By Chambers, 11th District.

A BILL FOR AN ACT relating to crimes and punishments; to eliminate the death penalty; to amend sections 24-342, 28-401, and 29-102, Reissue Revised Statutes of Nebraska, 1943; to provide application; and to repeal the original sections, and also sections 29-2519 to 29-2528 and sections 29-2532 to 29-2546, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 65. By Chambers, 11th District.

A BILL FOR AN ACT to adopt the Nebraska Law Enforcement Procedures Act.

LEGISLATIVE BILL 66. By Chambers, 11th District.

A BILL FOR AN ACT relating to civil rights; to provide civil remedies for deprivation of rights.

LEGISLATIVE BILL 67. By Chambers, 11th District.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1976, 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 68. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 17-203.01, 19-621, 23-343.25, 32-4,147, 32-505, 32-530, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 79-426.19, 79-701, and 79-706, Revised

Statutes Supplement, 1976, relating to elections; to provide for a September primary election; to provide for voting the ballot of either political party; to provide an operative date; and to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 69. By Koch, 12th District.

A BILL FOR AN ACT relating to state institutions; to define terms; to establish the Parole Board Nomination Commission; to prescribe duties; to provide for the establishment of a new Board of Parole; to set forth qualifications, terms of office, and compensation for members; and to repeal sections 83-189, 83-190, and 83-191, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 70. By Burrows, 30th District.

A BILL FOR AN ACT relating to crimes and punishment; to define terms; to prohibit the use of hollow point bullets; to provide penalties; and to provide exceptions.

LEGISLATIVE BILL 71. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 32-803, Revised Statutes Supplement, 1976, relating to elections; to provide that an agent may receive an absent voter's ballot for the absent voter as prescribed; and to repeal the original section.

LEGISLATIVE BILL 72. By Marsh, 29th District.

A BILL FOR AN ACT relating to public health and welfare; to provide certain criteria for recording information on birth certificates; and to provide penalties.

LEGISLATIVE BILL 73. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 71-614 and 71-615, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to change the requirements for information concerning marriage and dissolution of marriage; and to repeal the original sections.

LEGISLATIVE BILL 74. By Marsh, 29th District.

A BILL FOR AN ACT relating to cities of the primary class; to permit the removal of garbage, refuse, and other solid waste material as prescribed; to provide for an assessment against the property for such removal; and to declare an emergency.

LEGISLATIVE BILL 75. By Marsh, 29th District.

A BILL FOR AN ACT to amend sections 28-592 and 37-213, Reissue Revised Statutes of Nebraska, 1943, and section 37-519, Revised Statutes Supplement, 1976, relating to offenses and penalties; to increase the amount of fine for certain offenses as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 76. By Simon, 31st District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 1, of the Constitution of Nebraska, relating to revenue; to provide for differential assessment of land and improvements as prescribed; to set a limit on taxes; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 77. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 8-157, Revised Statutes Supplement, 1975, relating to financial institutions; to provide what shall constitute an attached auxiliary teller office; and to repeal the original section.

LEGISLATIVE BILL 78. By Cope, 36th District; F. Lewis, 45th District.

A BILL FOR AN ACT relating to taxation; to authorize 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; to provide for a tourist and convention committee; to provide procedures; and to provide penalties.

LEGISLATIVE BILL 79. By Cope, 36th District.

A BILL FOR AN ACT to establish the Nebraska Safety Center; to declare intent; to provide for administration of the center; to create the Nebraska Safety Center Advisory Council; to prescribe functions and goals of the center; and to authorize the utilization of funds.

LEGISLATIVE BILL 80. By Cope, 36th District.

A BILL FOR AN ACT to amend section 72-1304, Revised Statutes Supplement, 1976, relating to public land; to increase the maximum term for leasing of certain public land; and to repeal the original section.

LEGISLATIVE BILL 81. By Schmit, 23rd District; Reutzel, 15th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to state a purpose; to define terms; to provide for permits to enter the Nebraska state park areas as prescribed; to provide for issuance of permits; to provide for fees and disbursement thereof; to provide duties for the Game and Parks Commission; to provide for violations and penalties; and to provide an operative date.

LEGISLATIVE BILL 82. By Hasebroock, 18th District, at request of Governor.

A BILL FOR AN ACT to amend section 2, Legislative Bill 684, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase an appropriation; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 83. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 54-145.01, 54-145.02, 54-145.03, and 54-150, Reissue Revised Statutes of Nebraska, 1943, and section 54-152, Revised Statutes Supplement, 1976, relating to the brand area; to extend provisions regulating the movement of livestock; to delete an investment requirement; to provide exceptions to brand inspection requirements; and to repeal the original sections.

LEGISLATIVE BILL 84. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 25-2501, Reissue Revised Statutes of Nebraska, 1943, relating to uniform procedures for acquiring private property for public use; to provide an exception to such procedure; and to repeal the original section.

LEGISLATIVE BILL 85. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 60-105, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide procedures to assign identification numbers in lieu of motor numbers or serial numbers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 86. By Swigart, 8th District.

A BILL FOR AN ACT relating to metropolitan class cities; to authorize the sale of special assessment bonds as prescribed; and to provide for the manner of payment.

LEGISLATIVE BILL 87. By Clark, 47th District.

A BILL FOR AN ACT to amend section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to provide when conviction shall be only for a first offense; and to repeal the original section.

LEGISLATIVE BILL 88. By Labedz, 5th District, at request of Governor.

A BILL FOR AN ACT to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to change the manner compensatory time will be adjusted; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 89. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the University of Nebraska at Omaha; to authorize a capital construction project; to appropriate funds; and to declare an emergency.

LEGISLATIVE BILL 90. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 60-406 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.01, 60-404, and 60-409, Revised Statutes Supplement, 1976, relating to motor vehicle operators' licenses; to require color photographs on licenses as prescribed; to change fees; to provide temporary licenses; to provide an advisory committee; and to repeal the original sections.

EASE

The Legislature was at ease from 1:58 p.m. until 2:00 p.m.

UNANIMOUS CONSENT—Member Excused

Mrs. Maxey asked unanimous consent to be excused at 3:00 p.m today. No objections. So ordered.

INAUGURAL CEREMONIES

Presentation of Colors by the Nebraska National Guard.

MOTION—Escort Board of Regents

Speaker Luedtke moved that a Committee of four be appointed to escort the members-elect of the Board of Regents.

The motion prevailed.

The Chair appointed Messrs. Barnett, DeCamp, Goodrich and Kremer to escort the following members-elect of the Board of Regents: Kermit Wagner, Robert J. Prokop, Robert R. Koefoot and James Moylan.

MOTION—Escort Board of Education

Speaker Luedtke moved that a committee of four be appointed to escort the members-elect of the Board of Education.

The motion prevailed.

The Chair appointed Messrs. Warner, Schmit, Savage and Murphy to escort the following members-elect of the Board of Education: James H. Monahan, Walter M. Thompson and Don H. Lienemann.

MOTION—Escort Public Service Commission

Speaker Luedtke moved that a committee of two be appointed to escort the members-elect of the Public Service Commission.

The motion prevailed.

The Chair appointed Mrs. Marsh and Mr. F. Lewis to escort the following members-elect of the Public Service Commission: Harold D. Simpson and Duane Gay.

MOTION—Escort Workmen's Compensation Court

Speaker Luedtke moved that a committee of three be appointed to escort the retained members of the Workmen's Compensation Court.

The motion prevailed.

The Chair appointed Mrs. Marsh and Messrs. Keyes and Rasmussen to escort the retained Workmen's Compensation Court Judges: Judge Paul E. LeClair, Judge Mark A. Buchholz and Judge Ben Novicoff.

MOTION—Escort Chief Justice and Supreme Court Judges

Speaker Luedtke moved that a committee of five be appointed to escort the Chief Justice and Supreme Court Judges to the rostrum to administer the oath of office to the newly elected State Officials.

The motion prevailed.

The Chair appointed Messrs. Carsten, Clark, Hasebroock, R. Lewis, Moylan, Savage and Luedtke to escort Chief Justice White and his associates to the rostrum.

Chief Justice Paul White administered the oath of office to the following:

BOARD OF REGENTS
Kermit Wagner
Robert J. Prokop
James Moylan
Robert R. Koefoot

BOARD OF EDUCATION MEMBERS
James H. Monahan
Walter M. Thompson
Don H. Lienemann

WORKMEN'S COMPENSATION COURT JUDGES
Judge Paul E. LeClair
Judge Mark A. Buchholz
Judge Ben Novicoff

PUBLIC SERVICE COMMISSION MEMBERS
Harold D. Simpson
Duane Gay

Newly-elected and retained officials were escorted from the Chamber.

The Chief Justices and associates were escorted from the Chamber.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 91. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 54-820.01 and 81-2,162.23, Revised Statutes Supplement, 1976, relating to agriculture; to exempt retail grocery stores from registration requirements in the sale of commercial feeds and fertilizers; and to repeal the original sections.

LEGISLATIVE BILL 92. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 68-1022, Reissue Revised Statutes of Nebraska, 1943, relating to the aged, blind, and disabled; to change the manner medical assistance shall be paid on behalf of eligible recipients; and to repeal the original section.

LEGISLATIVE BILL 93. By Goodrich, 20th District.

A BILL FOR AN ACT to repeal section 53-182, Reissue Revised Statutes of Nebraska, 1943, relating to liquors.

LEGISLATIVE BILL 94. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 81-8,120, Reissue Revised Statutes of Nebraska, 1943, relating to land surveyors; to provide license reciprocity without examination; and to repeal the original section.

LEGISLATIVE BILL 95. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 19-901, Revised Statutes Supplement, 1976, relating to zoning; to provide that certain comprehensive planning requirements shall not apply to first and second class cities and villages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 96. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 24-517, Reissue Revised Statutes of Nebraska, 1943, relating to county courts; to specify jurisdiction in certain conservatorship or guardianship matters; to ratify certain acts; and to repeal the original section.

LEGISLATIVE BILL 97. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 54-201, Reissue Revised Statutes of Nebraska, 1943, relating to liens; to change provisions relating to the priority of agister's liens; and to repeal the original section.

LEGISLATIVE BILL 98. By Murphy, 17th District.

A BILL FOR AN ACT relating to state officers; to provide duties for the Governor and Attorney General with respect to implementation of acts of the Legislature; to provide penalties; and to declare an emergency.

LEGISLATIVE BILL 99. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 77-2703 and 77-2715.01, Revised Statutes Supplement, 1976, 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 100. By R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 70-1008, Reissue Revised Statutes of Nebraska, 1943, relating to the Power Review Board; to redefine service areas and the rights of existing suppliers as prescribed; and to repeal the original section.

LEGISLATIVE BILL 101. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 60-1902, Revised Statutes Supplement, 1976, relating to motor vehicles; to clarify provisions relating to abandoned motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 102. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 79-1522, Revised Statutes Supplement, 1976, relating to retirement; to provide for annuity adjustments as prescribed; and to repeal the original section.

LEGISLATIVE BILL 103. By Moylan, 6th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 71-1,147.10, Reissue Revised Statutes of Nebraska, 1943, relating to pharmacy; to harmonize provisions with the Nebraska Drug Product Selection Act; to adopt the Nebraska Drug Product Selection Act; and to repeal the original section.

LEGISLATIVE BILL 104. By Burrows, 30th District.

A BILL FOR AN ACT to adopt the Nebraska Wage Payment Collection Act.

LEGISLATIVE BILL 105. By Newell, 13th 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 eliminate the requirement that members of the Legislature be nominated and elected in a nonpartisan manner; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 106. By Newell, 13th District.

A BILL FOR AN ACT to amend sections 77-2704, 77-2715, and 77-2715.01, Revised Statutes Supplement, 1976, relating to taxation; to exempt certain foods intended for human consumption from the sales and use taxes; to eliminate the food sales tax credit; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 107. By Newell, 13th District.

A BILL FOR AN ACT to amend section 77-202.30, Revised Statutes Supplement, 1976, relating to taxation; to provide a maximum amount to be placed in the Personal Property Tax Relief Fund; and to repeal the original section.

LEGISLATIVE BILL 108. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to the Game and Parks Commission; to authorize such commission to construct campgrounds and other recreation developments at Red Willow State Recreation Area and Swanson Reservoir State Recreation Area; to make an appropriation for such purpose; and to declare an emergency.

LEGISLATIVE BILL 109. By Koch, 12th District; Fitzgerald, 14th District; Reutzel, 15th District; Labedz, 5th District; Cullan, 49th District.

A BILL FOR AN ACT to adopt the Nebraska Outdoor Recreation Development Act; to amend sections 37-216.07 and 37-216.08, Revised Statutes Supplement, 1976; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 110. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Hefner, 19th District; Venditte, 7th District; DeCamp, 40th District; Burrows, 30th District.

A BILL FOR AN ACT relating to pesticides; to provide that an individual may use a pesticide classified for restricted use when under the supervision of a certified applicator.

LEGISLATIVE BILL 111. By Stoney, 4th District.

A BILL FOR AN ACT relating to criminal procedure; to provide for the availability of judges when court is not in session; and to provide duties of custodial officers.

LEGISLATIVE BILL 112. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 29-901.05, Reissue Revised Statutes of Nebraska, 1943, relating to bail and its incidents; to provide procedures for setting up bail schedules; and to repeal the original section.

LEGISLATIVE BILL 113. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 39-6,138, Revised Statutes Supplement, 1976, relating to motor vehicles; to provide times when lighted lamps are required; and to repeal the original section.

LEGISLATIVE BILL 114. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 28-592, Reissue Revised Statutes of Nebraska, 1943, relating to offenses against property; to change the penalty provisions relating to littering; and to repeal the original section.

LEGISLATIVE BILL 115. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 71-4804, Revised Statutes Supplement, 1976, relating to the Uniform Anatomical Gift Act; to provide for the execution of anatomical gifts through motor vehicle operator's licenses; to provide duties of the county treasurers and the Director of Motor Vehicles; and to repeal the original section.

LEGISLATIVE BILL 116. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 60-1904, Reissue Revised Statutes of Nebraska, 1943, relating to abandoned motor vehicles; to eliminate provisions entitling the Director of Motor Vehicles to custody of certain abandoned vehicles; and to repeal the original section.

LEGISLATIVE BILL 117. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 79-490, Revised Statutes Supplement, 1976, relating to schools; to provide a limitation on payment of a transportation allowance; and to repeal the original section.

LEGISLATIVE BILL 118. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 43-229, Revised Statutes Supplement, 1976, relating to separate juvenile courts; to provide that electors may vote to establish such courts at a special election; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 119. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 44-3002, Revised Statutes Supplement, 1976, relating to the Professional Liability Insurance Availability Act; to redefine health care provider to include a person engaged in the practice of podiatry; and to repeal the original section.

LEGISLATIVE BILL 120. By Kelly, 35th 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 121. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 76-1416, Revised Statutes Supplement, 1976, relating to the Residential Landlord and Tenant Act; to require that security deposits be placed in a security deposit account; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 122. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 23-1721, 23-1722, and 23-1732, Revised Statutes Supplement, 1976, relating to counties; to provide that counties having a population of forty thousand or more shall be under the sheriff's merit system; and to repeal the original sections.

LEGISLATIVE BILL 123. By Mills, 44th District.

A BILL FOR AN ACT to amend section 60-310, Revised Statutes Supplement, 1976, relating to motor vehicles; to delete certain motor vehicle registration language pertaining to owners of three or more vehicles; and to repeal the original section.

LEGISLATIVE BILL 124. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 25-1301.01, Reissue Revised Statutes of Nebraska, 1943, relating to judgments; to provide for notice of judgment in civil cases as prescribed; and to repeal the original section.

LEGISLATIVE BILL 125. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 43-243, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to change notice of requirements for a hearing to set aside the adjudication and seal the records; and to repeal the original section.

LEGISLATIVE BILL 126. By Kahle, 37th District.

A BILL FOR AN ACT to amend sections 25-1280 and 33-106, Reissue Revised Statutes of Nebraska, 1943, and section 48-139, Revised Statutes Supplement, 1976, relating to legal fees; to change provisions relating to the amount of fees charged; and to repeal the original sections.

LEGISLATIVE BILL 127. By Mills, 44th District.

A BILL FOR AN ACT relating to taxation; to impose a sales tax on lodging; to define terms; to provide for the use and disposition of such tax; to create a cash fund; to prescribe its name; to provide powers and duties of the Tax Commissioner and the Department of Economic Development; and to provide an operative date.

LEGISLATIVE BILL 128. By Mills, 44th District.

A BILL FOR AN ACT to amend sections 48-628 and 48-649, Revised Statutes Supplement, 1976, relating to labor; to provide a qualification on receipt of benefits; to provide a contribution rate for employers; to define a term; to limit payment to certain workers; and to repeal the original sections.

LEGISLATIVE BILL 129. By Mills, 44th District.

A BILL FOR AN ACT to amend section 37-204, Revised Statutes Supplement, 1976, relating to hunting and fishing permits; to provide for a three-day nonresident license; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 130. By Burrows, 30th District.

A BILL FOR AN ACT to amend sections 76-402, 76-411, and 76-413, Reissue Revised Statutes of Nebraska, 1943, relating to real property; to define terms; to limit ownership of land in this state by integrated corporations; and to repeal the original sections.

MOTION – Change of Membership

Mr. Savage, Chairman of Committee on Committees, moved to amend the report of the Committee on Committees replacing Sen. Ernest Chambers on the Rules Committee with Sen. Dave Newell.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in room 2102 immediately upon adjournment.

MOTION–Adopt Rule Changes

Mr. DeCamp renewed his rule amendment No. 6 found in the Journal of this day.

The Chair ruled the pending Chambers amendment of this day to No. 6 out of order.

Mr. Newell offered the following amendment to rule change No. 6.
10 bills in Gen. 90 day session
7 bills in short 60 day session
No limits on Committees

The amendment lost with 13 ayes, 16 nays and 20 not voting.

Mr. Kelly offered the following amendment to DeCamp amendment No. 6:
Sec. 5 (d), line 4 strike "no" and insert "two"
line 4 strike "shall" and insert "may".

The amendment lost with 9 ayes, 21 nays and 18 not voting.

The Rule change No. 6 lost with 13 ayes, 26 nays and 10 not voting.

Mr. Chambers offered the following amendment to the Rules:
Amend Rule 5, Sec. 5, strike sub (d).

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 9 nays and 12 not voting.

The Chambers amendment lost with 15 ayes, 25 nays and 9 not voting.

Mr. DeCamp moved that the rules in our possession, as amended, be adopted. The motion prevailed with 36 ayes, 1 nay and 11 not voting.

MOTION – Authorize Notes to Senators

Mr. DeCamp moved to authorize the Sgt. at Arms to deliver notes to the members in the Chamber.

Mr. Marvel asked unanimous consent to hold this motion over until Monday.

Mr. Koch objected.

The DeCamp motion prevailed with 25 ayes, 17 nays and 7 not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 131. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide procedures for taxing districts to adjust mill levies; to provide for a property tax credit fund; to prescribe its purpose; and to declare an emergency.

LEGISLATIVE BILL 132. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Maresh, 32nd District; Lamb, 43rd District; Hefner, 19th District; Venditte, 7th District; Kahle, 37th District; DeCamp, 40th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 81-1506, Revised Statutes Supplement, 1976, relating to the Environmental Protection Act; to provide that compliance with specified conditions by a livestock operation shall create a presumption that such operation is not a nuisance; and to repeal the original section.

LEGISLATIVE BILL 133. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Burrows, 30th District; DeCamp, 40th District; Maresh, 32nd District; Kahle, 37th District; Venditte, 7th District; Hefner, 19th District; Lamb, 43rd District.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1976, relating to motor vehicles; to provide that certain sod will be treated as an agricultural product; and to repeal the original section.

LEGISLATIVE BILL 134. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Maresh, 32nd District; DeCamp, 40th District; Kahle, 37th District; Venditte, 7th District; Lamb, 43rd District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 54-1331, Reissue Revised Statutes of Nebraska, 1943, relating to brucellosis in cattle; to define exposed animals; to provide for the identification of exposed animals and to designate the letter S brand for such purpose; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 135. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Burrows, 30th District; DeCamp, 40th District; Maresh, 32nd District; Kahle, 37th District; Venditte, 7th District; Hefner, 19th District; Lamb, 43rd District.

A BILL FOR AN ACT to authorize the Department of Agriculture to enter into agreements to control insect and plant disease outbreaks; to authorize appropriations therefor; and to declare an emergency.

ANNOUNCEMENTS

Mr. Warner announced a meeting of the Appropriations Committee at 9:00 a.m., Friday, January 7, 1977 in room 1003.

Mr. Koch announced a meeting of the Constitutional Revision and Recreation Committee following adjournment in room 1019.

Mr. Maresh announced the Business and Labor Committee will meet Monday, January 10, 1977 at 9:45 a.m. under the North Balcony for the purpose of electing a Vice Chairman.

Speaker Luedtke announced a meeting of all committee chairmen in room 2102 on Monday, January 10, 1977.

Mr. R. Lewis announced a meeting of the Public Health and Welfare Committee under the South Balcony immediately upon adjournment.

Mr. Keyes announced a meeting of the Revenue Committee in the back of the Chamber immediately upon adjournment.

Mr. Barnett announced a meeting of the Judiciary Committee under the South Balcony immediately upon adjournment.

Mr. Kremer announced a meeting of the Public Works Committee under the North Balcony immediately upon adjournment.

ADJOURNMENT

At 3:35 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 10:00 a.m., Monday, January 10, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRD DAY–JANUARY 10, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 10, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear God, our source of power on a cold day like this, may this moment of prayer be like a jumper cable from you to us giving us fresh power and as a 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 except Messrs. Duis, Kelly, Kremer, R. Lewis, and Murphy who were excused; and Mr. Merz who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 123, line 13, after "By" insert "Committee on Constitutional Revision and Recreation"; after "District" insert ", Chairman".
The Journal for the Second Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Messrs. Kelly, Kremer, and R. Lewis asked unanimous consent to be excused Monday and Tuesday, January 10, and January 11, 1977. No objections. So ordered.

Mr. George asked unanimous consent to be excused tomorrow, January 11, 1977. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

January 5, 1977

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 reappointments to the Board of Trustees of Nebraska State Colleges requiring legislative confirmation:

Robert Walker, 15 Hillcrest Drive, Kearney
Ward H. Reesman, 15th & Appleoff Street, Falls City

These appointments are for six year terms, expiring January 1, 1983.

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Committee on Committees
Board of Trustees
Robert Walker
Ward H. Reesman

REFERENCE COMMITTEE REPORT

January 6, 1977

The attached report of the Reference Committee has been approved as amended.

Motion was made and seconded that Senator Gerald Koch be designated as an ex-officio member of the Public Works Committee for purposes of hearing LB 55.

(Signed) Richard D. Marvel, Chairman
Legislative Reference Committee

LB	Committee	LB	Committee
55	Public Works	83	Agric. & Env.
56	Gov. Mil. & Vets Afrs	84	Gov. Mil. & Vets Afrs
57	Urban Affairs	85	Public Works
58	Bkg. Comm. & Ins.	86	Urban Affairs
59	Bus. & Labor	87	Public Works
60	Judiciary	88	Gov. Mil. & Vets Afrs
61	Urban Affairs	89	Appropriations
62	Gov. Mil. & Vets Afrs	90	Public Works
63	Gov. Mil. & Vets Afrs	91	Agric. & Env.
64	Judiciary	92	Pub. Hlth & Wel.
65	Judiciary	93	Misc. Subj.
66	Judiciary	94	Gov. Mil. & Vets Afrs
67	Revenue	95	Gov. Mil. & Vets Afrs
68	Gov. Mil. & Vets Afrs	96	Judiciary
69	Judiciary	97	Judiciary
70	Judiciary	98	Gov. Mil. & Vets Afrs
71	Gov. Mil. & Vets Afrs	99	Revenue
72	Pub. Hlth & Wel.	100	Public Works
73	Pub. Hlth & Wel.	101	Public Works
74	Urban Affairs	102	Neb. Ret. Systems
75	Cons. Rev. & Rec.	103	Pub. Hlth & Wel.
76	Cons. Rev. & Rec.	104	Bus. & Labor
77	Bkg. Comm. & Ins.	105	Cons. Rev. & Rec.
78	Revenue	106	Revenue
79	Education	107	Revenue
80	Gov. Mil. & Vets Afrs	108	Cons. Rev. & Rec.
81	Cons. Rev. & Rec.	109	Cons. Rev. & Rec.
82	Appropriations	110	Agric. & Env.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 136. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 23-2502, Reissue Revised Statutes of Nebraska, 1943, relating to the county civil service system; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 137. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 77-2215, Reissue Revised Statutes of Nebraska, 1943, relating to warrants; to provide that an indemnity bond shall not be required when applying for a duplicate of a lost warrant; and to repeal the original section.

LEGISLATIVE BILL 138. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to public health and welfare; to provide for increased prehospital emergency medical health care as prescribed; to authorize that certain duties of medical care may be performed by an Emergency Medical Technician-Paramedic; to create the Board of Advanced Prehospital Care; to provide for such board's membership, operation, and duties; to require certification; to prescribe duties and responsibilities of persons rendering aid; to provide that civil liability shall not result for failure to obtain consent as prescribed; to provide exemption from liability for certain acts as prescribed; to provide penalties for certain wrongful acts; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 139. By Committee on Nebraska Transportation Advisory: Savage, 10th District, Chairman; Nichol, 48th District, Kremer, 34th District; Keyes, 3rd District.

A BILL FOR AN ACT relating to highways and roads; to provide for transfer of control; to provide for transfer of money; to amend sections 39-2402 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1976; to provide a basis for allocation of money; to increase certain tax rates; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 140. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 77-303.01, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to remove the requirement that gas tax be withheld from counties because of certain violations by county officials; and to repeal the original section.

LEGISLATIVE BILL 141. By Reutzel, 15th District.

A BILL FOR AN ACT to amend sections 16-321 and 17-568.01, Revised Statutes Supplement 1976, relating to cities and villages; to require approval by the city council of contracts over twenty thousand dollars; to revise procedures regarding contracts for improvements; and to repeal the original sections.

LEGISLATIVE BILL 142. By Bereuter, 24th District.

A BILL FOR AN ACT to adopt the Nebraska Product-Liability Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 143. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-122.03, Reissue Revised Statutes of Nebraska, 1943, and sections 48-121 and 48-122, Revised Statutes Supplement, 1976, relating to workmen's compensation; to increase weekly benefits; to provide for computations and recomputations; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 144. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-133 and 48-137, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to change the time for filing claims and the statute of limitations; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 145. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 2-127, Reissue Revised Statutes of Nebraska, 1943, relating to State Board of Agriculture; to authorize such board to use pari-mutuel wager profits for deferred and preventative maintenance of state fair facilities; to define terms; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1.

Introduced by Marsh, 29th District; Maxey, 46th District.

WHEREAS, the art of quilting was an art form brought to Nebraska by our early settlers; and

WHEREAS, this art form has been preserved and passed on even to the present generation; and

WHEREAS, The Lincoln Quilter's Guild is dedicated to preserving and promoting the art of quilting, and in so doing has sponsored the "Quilts from Nebraska" exhibition which drew an all-time record attendance at the Sheldon Gallery, and was subsequently acclaimed when shown throughout the area of Mid America, thus reflecting great credit upon the State of Nebraska; and

WHEREAS, The Lincoln Quilter's Guild designed and constructed a Bicentennial Quilt, using colors native to Nebraska, and incorporating designs from the State Capitol and from the heritage of Nebraska, and such quilt was not only acclaimed when first exhibited at the Nebraska Center, but was selected as "Best in the Show" at the National Quilting Association exhibition of 1976, thereby conferring significant credit upon

the State of Nebraska; and

WHEREAS, The Lincoln Quilter's Guild has now sponsored a contest to select a quilt block of original design to honor the State of Nebraska.

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

That the selected quilt block shall be known as THE OFFICIAL NEBRASKA BLOCK, and the original entry shall be placed in the Archives of the State of Nebraska, and be appropriately displayed at the State Historical Society.

Laid over.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 146. By Maxey, 46th District.

A BILL FOR AN ACT relating to education; to provide that the State Board of Education may acquire liability insurance as prescribed.

LEGISLATIVE BILL 147. By Maxey, 46th District.

A BILL FOR AN ACT to amend sections 16-901, 17-1001, and 70-1008, Reissue Revised Statutes of Nebraska, 1943, relating to suburban development; to remove limitations over zoning areas of first and second-class cities and villages; to provide for utility service in zoning areas; and to repeal the original sections.

LEGISLATIVE BILL 148. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 32-460, Reissue Revised Statutes of Nebraska, 1943, relating to elections; to eliminate the requirement that the person rendering assistance to a disabled voter must be a registered voter; and to repeal the original section.

LEGISLATIVE BILL 149. By Dworak, 22nd District.

A BILL FOR AN ACT relating to irrigation; to define a term.

LEGISLATIVE BILL 150. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 14-1803, 14-1813, and 14-1814, Reissue Revised Statutes of Nebraska, 1943, relating to metropolitan transit authorities; to increase the membership of boards of directors; to repeal the original sections; and to declare an emergency.

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (Cum. Supp. 1972) a summary of all fees paid to date during calendar year 1976 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Little Blue	Dan W. Baird	$2,408.80
	Schwab & Brackle	197.26

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
111	Judiciary	127	Revenue
112	Judiciary	128	Bus. & Labor
113	Public Works	129	Cons. Rev. & Rec.
114	Judiciary	130	Judiciary
115	Pub. Hlth & Wel.	131	Revenue
116	Public Works	132	Agric. & Env.
117	Education	133	Agric. & Env.
118	Judiciary	134	Agric. & Env.
119	Pub. Hlth & Wel.	135	Agric. & Env.
120	Judiciary	136	Gov. Mil. & Vets Afrs
121	Judiciary	137	Gov. Mil. & Vets Afrs
122	Gov. Mil. & Vets Afrs	138	Pub. Hlth & Wel.
123	Public Works	139	Public Works
124	Judiciary	140	Revenue
125	Judiciary	141	Urban Affairs
126	Judiciary		

(Signed) Richard D. Marvel, Chairman

COMMUNICATIONS

Acknowledged receipt of thank you note from the Tom Kennedy family for the members' expression of sympathy.

ANNOUNCEMENTS

The Clerk announced the Rules Committee will meet under the North balcony immediately after adjournment.

Mr. George announced the Urban Affairs Committee will meet immediately upon adjournment under the North balcony.

UNANIMOUS CONSENT–Add Co-introducer

Mr. Swigart asked unanimous consent to add his name as a co-introducer to LB 30. No objections. So ordered.

ANNOUNCEMENTS

Mr. Maresh announced the Business and Labor Committee met this morning at 9:45 a.m. and elected Senator Tom Fitzgerald the committee Vice Chairman.

Mr. Warner announced the Appropriations Committee met Friday, January 7, 1977 and elected Sen. Bereuter as Vice Chairman.

EXECUTIVE BOARD REPORT

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

The Executive Board of the Nebraska Legislative Council has made the following appointments as of December 14, 1976:

NEBRASKA TRANSPORATION ADVISORY COMMITTEE
Senator John Savage, Chairman
Senator William Nichol

NEBRASKA RETIREMENT SYSTEMS COMMITTEE
Senator William Hasebroock, Chairman

(Signed) Wally Barnett, Chairman
Legis. Council Executive Board

BILLS ON FIRST READING

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

LEGISLATIVE BILL 151. By Committee on Telecommunications: Clark, 47th District, Chairman; Rasmussen, 41st District; Goodrich, 20th District; Schmit, 23rd District; Warner, 25th District.

A BILL FOR AN ACT relating to the Public Service Commission; to provide that the commission consider the most recent property valuation and new investments in determining fair and reasonable rates.

LEGISLATIVE BILL 152. By Dworak, 22nd District.

A BILL FOR AN ACT to amend section 19-2904, Reissue Revised Statutes of Nebraska, 1943, and section 19-2903, Revised Statutes Supplement, 1976, relating to municipal audits; to provide for cash basis and accrual basis accounting as prescribed; to revise the requirements regarding the contents of audits; and to repeal the original sections.

MOTION—Withdraw LB 25

Mr. Keyes moved to withdraw LB 25. Laid over.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 11:00 a.m. today in room 2102.

EXECUTIVE BOARD REPORT

January 10, 1977

A motion was made by Senator Doug Bereuter, seconded by Senator Larry Stoney, that the Legislature continue the process of buying coffee the same as during the last session, and permit those that wish to have coffee, legislators or non-legislators, to participate, and levy a fee periodically to keep up with the cost.

Motion carried with a vote of seven ayes, one no, and one absent and not voting.

(Signed) Richard D. Marvel, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 2.

Introduced by Fowler, 27th District; Newell, 13th District; Maxey, 46th District.

WHEREAS, January 15 is the birthdate of the Reverend Martin Luther King, Jr.; and

WHEREAS, the Reverend Martin Luther King, Jr. has been recognized by all people of the world as having made great contributions toward the promotion of equality of man and the furtherance of peace; and

WHEREAS, pursuant to this recognition the Reverend Martin Luther King, Jr. was awarded the Nobel Peace Prize; and

WHEREAS, it is appropriate that the Legislature of the State of Nebraska pay tribute to the memory of the Reverend Martin Luther King, Jr. on the anniversary of his birth.

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

1. That the Legislature of the State of Nebraska meeting in the year 1977 humbly honors the memory of the Reverend Martin Luther King, Jr. and the accomplishments and contributions which he made to this nation and the world; and proclaim that January 15 shall be observed as Human Relations Day in Nebraska.

2. That copies of this resolution be forwarded to the widow of the Reverend Martin Luther King, Jr.

Laid over.

ANNOUNCEMENTS

Mr. Barnett announced the Judiciary Committee met Thursday, January 6 and elected Senator Nichol as Vice Chairman.

Mr. Koch announced the Constitutional Revision and Recreation Committee met and elected Senator Carsten as Vice Chairman.

UNANIMOUS CONSENT-Member Excused

Mr. Clark asked unanimous consent to be excused Tuesday, January 11, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Add Co-Introducer

Mr. Brennan asked unanimous consent to add his name to LB 104. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 153. By Newell, 13th 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 salaries for members of the Legislature shall be set by the State Board of Equalization and Assessment as prescribed to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 154. By Newell, 13th District.

A BILL FOR AN ACT relating to safety; to require that certain life-support and emergency-aid equipment be available at construction sites as prescribed; and to define terms.

LEGISLATIVE BILL 155. By Carsten, 2nd District.

A BILL FOR AN ACT to amend sections 21-1405, 21-1406, and 21-1414, Reissue Revised Statutes of Nebraska, 1943, relating to nonstock cooperative marketing companies; to authorize purchase contracts; to provide that a withdrawing member shall receive the dollar value of his membership; to conform nonstock cooperative voting requirements to those of stock cooperatives; and to repeal the original sections.

LEGISLATIVE BILL 156. By Venditte, 7th District.

A BILL FOR AN ACT to amend sections 29-901 and 29-909, Reissue Revised Statutes of Nebraska, 1943, relating to bail and its incidents; to eliminate the use of an appearance bond as a condition of release; and to repeal the original sections.

UNANIMOUS CONSENT—Refer LB 10

Mr. Barnett asked unanimous consent that LB 10 be returned to the Reference Committee for reference to a committee. No objections. So ordered.

ANNOUNCEMENTS

Mr. Keyes announced the Revenue Committee will meet under the North balcony immediately upon adjournment.

Mr. Dworak announced the Miscellaneous Subjects Committee will meet under the South balcony immediately upon adjournment.

VISITORS

The President introduced 33 ninth grade students and teachers and sponsors from Milford, Nebraska; 4 ninth grade students from Everett Jr. High, Lincoln, Nebraska.

ADJOURNMENT

At 10:34 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 10:00 a.m., Tuesday, January 11, 1977.

Vincent D. Brown
Clerk of the Legislature

FOURTH DAY—JANUARY 11, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 11, 1977

Pursuant to adjournment, the Legislature met at 10:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> 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. Clark, Duis, George, Kelly, Kremer, R. Lewis, Mills, Moylan, Murphy, Nichol, and Rasmussen who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Third Day was approved.

ANNOUNCEMENTS

Mr. Dworak announced the Miscellaneous Subjects Committee elected Dave Newell as Vice-Chairman.

Mr. Kremer announced the Public Works Committee elected Jack Mills as Vice-Chairman.

Mr. Keyes announced the Revenue Committee elected Elroy M. Hefner as Vice-Chairman.

Mr. George announced the Urban Affairs Committee elected Bernice Labedz as Vice-Chairman.

Mr. DeCamp announced the Rules Committee elected Ralph Kelly as Vice-Chairman.

Mr. DeCamp announced the Banking, Commerce & Insurance Committee will meet immediately following adjournment under the north balcony for the purpose of electing a Vice-Chairman.

Mr. F. Lewis announced the Education Committee will hold an organizational meeting after adjournment under the north balcony.

Mr. George announced the Urban Affairs Committee will hold an Executive Session January 19th, at 10:00 a.m. in Room 2230.

Mr. Stoney announced a meeting of the Intergovernmental Cooperation Committee immediately following adjournment in Room 1016.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
142	Judiciary	150	Urban Affairs
143	Bus. & Labor	151	Public Works
144	Bus. & Labor	152	Urban Affairs
145	Ag. & Env.	153	Cons. Rev. & Rec.
146	Education	154	Bus. & Labor
147	Public Works	155	Ag. & Env.
148	Gov. Mil. & Vets. Afrs.	156	Judiciary
149	Public Works		

(Signed) Richard Marvel, 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 10, 1977. 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 Insurance Company of 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
Allan, Tamas R. – Lincoln, David D. Tews
Andersen, Robert C. – Lincoln, Nebraska Cooperative Council
Anderson, Robert L. – Lincoln, Nebraska Fertilizer Institute, Inc.; Nebraska Grain and Feed Dealers Association
Andrews, Donald Dr. – Valley, Omaha Board of Education
Arno, Randal E. – Lincoln, City of Lincoln, Nebraska
Ballard, Al J. – Lincoln, Nebraska Rural Electric Association
Barry, Leroy – Omaha, Mid-West Retail Farm Equipment Dealers Association
Belz, Paul H. –Lincoln, Nebraska State Education Association
Berkebile, Philip A. –Lincoln, Nebraska Press Advertising Service, Inc.
Birnstihl, Michael G. – Lincoln, International Brotherhood of Police Officers, Local 544
Blake, William G. –Lincoln, City of Lincoln, Nebraska
Blasek, D. R. – Lincoln, Lincoln Electric System
Botsch, Barbara A. – Omaha, Greater Omaha Chamber of Commerce
Brakenhoff, Loren – Lincoln, Nebraska Council of School Administrators
Brandt, William B. – Unadilla, Nebraska Bankers Association, Inc.
Brasher, David E. – Des Moines, Iowa, National Federation of Independent Business
Brauer, S. H. Jr. – Lincoln, Nebraska School Improvement Association
Brockley, William T. – Nebraska City, Nebraska City Utilities
Brockmeier, Herman A. – Lincoln, National Bank of Commerce
Chace, Charles E. – Lincoln, American Petroleum Institute
Chadwick, Paul L. – Fremont, Nebraska Law Enforcement Legislative Committee
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
Connell, Robert C. – Lincoln, Nebraska Collectors Association, Inc.
Critchfield, James – Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.
Crosier, Donald A. – Lincoln, American Petroleum Institute
Crowl, Ralph E. – Omaha, Nebraska State Council of Electrical Workers
Denney, Max A. – Lincoln, Nebraska Consumer Credit Association; Nebraska Manufactured Housing Institute, Inc.
Dirrim, Delbert E. – Omaha, Omaha Public Power District
Douce, Wayne R. – Omaha, Guarantee Mutual Life Company
Duritsa, Thomas E. – Lincoln, Lincoln Chamber of Commerce
Eickhoff, Donald H. – Alvo, Fleet Reserve Association, Omaha Branch 276
Eide, Robert A. – Omaha, Northern Natural Gas Company
Eldien, Paul V. – Lincoln, United States Brewers Association, Inc.
Elrod, Don – Omaha, Omaha Suburban Council of Schools

Epke, Walter H. – York, Association of Nebraska Schools; Nebraska Co-op Council; Nebraska School Improvement Association; Nebraska Soft Drink Association
Fehringer, James D. – Lincoln, Farmers Union of Nebraska
Finigan, Edwin J. – Lincoln, Nebraska Telephone Association
Fischer, Thomas B. – Lincoln, First National Bank & Trust Company of Lincoln
Fitchett, Thomas J. – Lincoln, Nebraska Realtors Association
Ford, Scot E. – South Sioux City, South Sioux City Policeman's Association
Frandsen, Gary G. – Dallas, Texas; Associates Corporation of North America (A Texas Corporation)
Frazier, Lawrence A. – Lincoln, Farmers Mutual Insurance Company of Nebraska
Fraizer, T. J. – Lincoln, American Insurance Association; American Reciprocal Insurance Association; Mutual of Omaha Insurance Company; United Benefit Life Insurance Company
Gaither, Barbara A. – Lincoln, Nebraska Civil Liberties Union
Garey, Robert W. – Hastings, Nebraska Funeral Directors Association; Nebraska Optometric Association; Nebraska Veterinary Medical Association
Gauger, Jan – Lincoln, Lancaster County
Goodding, Richard D. – Lincoln, Nebraska Farm Bureau Federation
Gordon, James E. – Lincoln, Nebraska and Omaha Food Retailers Association, Inc.; Nebraska Sheriffs' and Peace Officers' Association, Inc.
Gorman, Joseph K. Jr. – Grand Island, International Brotherhood of Police Officers - Local 516
Gottschalk, Frederic A. – Lincoln, Security Mutual Life Insurance Company
Graham, M. J. – Lincoln, Retail Merchants Association of Nebraska, Inc.
Graves, Eugene J. Jr. – Lincoln, Nebraska State Home Builders Association
Greene, William R. – Omaha, Northern Natural Gas Company
Haessler, John – Lincoln, Woodmen Accident and Life Company
Hansen, David P. – Grand Island, International Brotherhood of Police Officers, Local 516
Harris, Robert E. – Lincoln, Nebraska Bankers Association
Hewitt, James W. – Lincoln, NEBCO, Inc.
Hill, James Dwight – Lincoln, International Brotherhood of Police Officers, Local 544
Holsteen, Ronald D. – Lincoln, Nebraska Rural Electric Association
Hopkins, Julian H. – Lincoln, Bankers Life Insurance Company of Nebraska
Howard, Robert N. – Omaha, Omaha-Council Bluffs Sheet Metal Contractors Association

Huff, Martin B. – Lincoln, Nebraska Manufactured Housing Institute, Inc.
Huff, Walter, J. Jr. – Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.
Humble, Charles D. – Lincoln, City of Lincoln, Nebraska
Humpal, John E. – Omaha, Blue Cross and Blue Shield of Nebraska
Hutchinson, Jerome C. – Grand Island, International Brotherhood of Police Officers, Local 516
Jacobsen, Ford K. – Omaha, Metropolitan Utilities District of Omaha
Jensen, Hans O. – Aurora, Farmers Union of Nebraska
Jensen, Martin – Omaha, State Legislative Committee BRAC
Jensen, Ronald L. – Lincoln, Nebraska Hospital Association
Jernigan, Wally M. – Omaha, Omaha Police Union, Local No. 1
Johansen, Roger Alan – South Sioux City, South Sioux City Policeman's Association
Johnson, Forrest A. – Lincoln, Nebraska Tax Research Council, Inc.
Johnson, Joseph E. – Anselmo, Nebraska Conservation Officers Associaion
Johnson, Michael R. – Lincoln, American Mutual Insurance Alliance
Johnson, Oliver W. – Lincoln, Nebraska Chapter Associated General Contractors of America, Inc.
Johnston, Paul – Schuyler, Nebraska Livestock Feeders Association
Jorgensen, Lanford L. – Lincoln, Lincoln Center Association
Kaufhold, William P. – Omaha, Omaha Police Union, Local No. 1
Kenny, Philip T. – Omaha, Nebraska Railroad Association
Kent, Sterling B. – Beatrice, Retail Merchants Association of Nebraska, Inc.
King, Condon R. – Lincoln, Veterans of Foreign Wars, Dept. of Nebraska
King, Rex E. – Lincoln, Lincoln Central Labor Union AFL-CIO
Law Firm of Knudsen, Berkheimer, Endicott & Beam – Beam, C. Arlen – Lincoln, National Confectioners Association; Nebraska Pest Control Association; Nebraska State Bar Association; Nebraska State Home Builders Association; Nebraska Wholesale Suppliers Association; Tobacco Tax Council, Inc.; Wausau Homes, Inc.
Law Firm of Knudsen, Berkheimer, Endicott & Beam – Ruth, Larry L. – Lincoln, National Confectioners Association; Nebraska Pest Control Association; Nebraska State Bar Association; Nebraska State Home Builders Association; Nebraska Wholesale Suppliers Association; Tobacco Tax Council, Inc.; Wausau Homes, Inc.
Kunz, David N. – Hastings, Garey Management Organization, Inc.
Leitner, Ronald E. – McCook, Nebraska State Legislative Board - Brotherhood of Locomotive Engineers
Licht, Alice L. – Lincoln, Association Services, Inc.
Long, Donald P. – Holdrege, The Central Nebraska Public Power and Irrigation District
Lynch, Daniel C. – Denver, Colorado, United Air Lines and Air Transport Association of America
Lynch, John E. – Lincoln, Nebraska State Education Association
Maronde, Alfred L. – York, Farmers Union of Nebraska

Mastny, Johnny F. – Schuyler, Nebraska Rural Letter Carriers Association
McEniry, Glenn J. – Lincoln, Nebraska Association of Commerce & Industry
McMahon, Francis C. – Fairmont, The American Legion, Department of Nebraska
McNeil, Martin J. – Omaha, United Transportation Union
Melvin, Bill – Omaha, Nebraska State Council No. 32, AFSCME, AFL-CIO
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.
Morgan, James J. – Lincoln, Disabled American Veterans, Department of Nebraska
Mount, Stuart D. – Lincoln, Nebraska Hospital Association
Moylan, James H. – Omaha, Douglas County Nebraska; Johnson Enterprises Inc.; Nebraska Association of County Officials; Nebraska Credit Union League; Nebraska Licensed Beverage Association; Nebraskans For Independent Banking
Mullen, Thomas W. – Nebraska City, Mullen Investment Company
Neff, Kenneth E. – Lincoln, Nebraska Medical Association
Ninegar, Louis C. – Kearney, State College Board of Trustees
Noren, Charles F. – Lincoln, Independent Insurance Agents of Nebraska; Nebraska Motorcycle Dealers Association; Nebraska State Association of Fire Fighters
Nuss-Elrod, Carol – Omaha, Nebraska Educational Sales & Service Association; Nebraska Wing Civil Air Patrol; United Indians of Nebraska
Oltman, Ray – Lincoln, The American Legion, Department of Nebraska
Orton, Lee – Lincoln, Nebraska Association of Resources Districts
Pace, Jack M. – Lincoln, Farmers Mutual Insurance Company of Nebraska
Patitz, Patricia L. – Lincoln, Nebraska Water Resources Association
Payne, Dale L. – Papillion, Sarpy County Board of Commissioners
Perkins, Dwight C. – Lincoln, Farmers Mutual Insurance Company of Nebraska
Petersen, Nels – Omaha, Nebraska State AFL-CIO
Peterson, Alan E. – Lincoln, Media of Nebraska
Pettett, Deane H. – Lincoln, Farmers Mutual Insurance Company of Nebraska
Pierson, David C. – Lincoln, Insurance Federation of Nebraska
Pierson, David C. – Lincoln, Nebraska Realtors Association
Powell, David W. – Lincoln, Nebraska Association for Retarded Citizens
Preston, James N. – Lincoln, Nebraska Motor Carriers' Association, Inc.
Quackenbush, J. M. – Beatrice, General Agricultural Services Ltd.
Rader, Glenn P. – Lincoln, Nebraska Farm Bureau Federation
Rall, Frank – Lincoln, Nebraska Public Power District
Rasmussen, Ross H. – Lincoln, Nebraska State School Boards Association
Robinson, Dr. C. N., Jr. – Omaha, Westside Community Schools

Rowson, Joseph P. – Lincoln, Lincoln Public Schools
Ruhnke, Arnold – Lincoln, Nebraska Association of County Officials
Ryan, James E. – Lincoln, Association for Better Financial Services in Nebraska, Inc.; Nebraska Beer Wholesalers Association, Inc.; Nebraska Liquor Wholesalers' Association; Nebraska Motor Carriers Association; Nebraska Press Association; Nebraska Public Power District
Schimek, Herbert – Lincoln, Nebraska State Education Association
Schlaphoff, Elmer – Waverly, Nebraska Livestock Feeders Association; Nebraska State Grange; Nebraska Stock Growers Association
Schlitt, Marge – Lincoln, Common Cause/Nebraska
Schmidt, Kenneth E. – Lincoln, Nebraska Cooperative Council
Schulz, Roger D. – Lincoln, Nebraska Association of Public Employees
Shafer, Patricia – Omaha, Omaha Education Association
Smith, Dwayne G. – Columbus, Loup Power District
Snodgrass, Del – Lincoln, Nebraska Association of Commerce & Industry
Spitz, Clarence E. – Omaha, Omaha Public Power District
Stewart, E. Mickey – Alliance, Nebraska Stock Growers Association
Stromer, Gerald A. – Lincoln, Nebraska Association of County Officials
Sullivan, John L. – Lincoln, Nebraska New Car Dealers Association
Swanson, William F. – Lincoln, University of Nebraska
Tews, David D. – Friends of Higher Education; Lincoln Telephone & Telegraph Company; Media of Nebraska; Nebraska Society of Certified Public Accounts
Thies, John C. – Omaha, Omaha Education Association
Vasquez, Robert J. – Grand Island, International Brotherhood of Police Officers, Local No. 516
Waas, Gene L. – Lincoln, Lincoln Electric System
Watters, George L. – Lincoln, Nebraska Petroleum Marketers, Inc.
Wells, Stanley A. – Lincoln, Cooperative Service Company
Welsch, Ernest – Milford, Nebraska National Farmers Organization
Wheeler, Calvin W. – Omaha, Mutual of Omaha Insurance Company
Wheeler, Stuart L. – Hastings, Kansas-Nebraska Natural Gas Company, Inc. and its Subsidiaries
Wiebe, Louis C. – Lincoln, Farmers Union of Nebraska
Wilson, Bruce H. – Lincoln, Fleet Reserve Association, Lincoln - Branch 145
Wilson, Franklin L. – Omaha, Brotherhood of Maintenance of Way Employees
Wilson, William A. – Lincoln, The Midwest Life Insurance Company
Wruck, George T. – Omaha, Retail Merchants of Greater Omaha, Inc.
Wunderlich, LaRue – Roca, Nebraska Lutheran Legislative Caucus
Wylie, Bill – Elgin, Walter Epke; Nebraska Insurance Information Service
Young, Harry – Beatrice, Norris Public Power District
Yost, Kurt T. – Lincoln, Mid-America Lumbermens Association

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 14	Wednesday, January 19, 1977	10:00 a.m.
LB 59	Wednesday, January 19, 1977	2:00 p.m.

(Signed) Richard Maresh, Chairman

Constitutional Revision and Recreation

LB 109	Thursday, January 20, 1977	10:00 a.m.
LB 75	Thursday, January 20, 1977	1:30 p.m.
LB 129	Thursday, January 20, 1977	1:30 p.m.
LB 76	Friday, January 21, 1977	10:00 a.m.
LB 15	Friday, January 21, 1977	1:30 p.m.
LB 21	Friday, January 21, 1977	1:30 p.m.
LB 81	Thursday, January 27, 1977	1:30 p.m.
LB 108	Thursday, January 27, 1977	1:30 p.m.
LB 105	Friday, January 28, 1977	1:30 p.m.

(Signed) Jerry D. Koch, Chairman

Government, Military and Veterans Affairs

LB 45	Thursday, January 20, 1977	10:00 a.m.
LB 46	Thursday, January 20, 1977	10:00 a.m.
LB 98	Thursday, January 20, 1977	10:00 a.m.
LB 54	Thursday, January 20, 1977	1:30 p.m.
LB 68	Thursday, January 20, 1977	1:30 p.m.
LB 71	Thursday, January 20, 1977	1:30 p.m.
LB 35	Friday, January 21, 1977	10:00 a.m.
LB 63	Friday, January 21, 1977	1:30 p.m.
LB 62	Friday, January 21, 1977	1:30 p.m.
LB 29	Thursday, January 27, 1977	10:00 a.m.
LB 44	Thursday, January 27, 1977	10:00 a.m.
LB 84	Thursday, January 27, 1977	10:00 a.m.
LB 88	Thursday, January 27, 1977	1:30 p.m.
LB 94	Friday, January 28, 1977	10:00 a.m.
LB 53	Friday, January 28, 1977	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Judiciary

LB 17	Monday, January 17, 1977	2:00 p.m.
LB 23	Monday, January 17, 1977	2:00 p.m.
LB 97	Monday, January 17, 1977	2:00 p.m.
LB 66	Tuesday, January 18, 1977	2:00 p.m.
LB 69	Tuesday, January 18, 1977	2:00 p.m.
LB 96	Tuesday, January 18, 1977	2:00 p.m.
LB 70	Wednesday, January 19, 1977	2:00 p.m.
LB 65	Wednesday, January 19, 1977	2:00 p.m.
LB 60	Wednesday, January 19, 1977	2:00 p.m.

(Signed) Wally Barnett, Chairman

Public Health and Welfare

LB 34	Monday, January 17, 1977	10:00 a.m.
LB 49	Monday, January 17, 1977	1:30 p.m.
LB 72	Tuesday, January 18, 1977	10:00 a.m.
LB 73	Tuesday, January 18, 1977	1:30 p.m.

(Signed) Richard Lewis, Chairman

Public Works

LB 47	Wednesday, January 19, 1977	10:00 a.m.
LB 85	Wednesday, January 19, 1977	10:00 a.m.
LB 101	Wednesday, January 19, 1977	10:00 a.m.
LB 116	Wednesday, January 19, 1977	1:30 p.m.
LB 123	Wednesday, January 19, 1977	1:30 p.m.
LB 51	Thursday, January 20, 1977	10:00 a.m.
LB 87	Thursday, January 20, 1977	10:00 a.m.
LB 113	Thursday, January 20, 1977	10:00 a.m.

(Signed) Jack Mills, Vice-Chairman

Revenue

LB 26	Monday, January 17, 1977	2:00 p.m.
LB 32	Monday, January 17, 1977	2:00 p.m.
LB 42	Monday, January 17, 1977	2:00 p.m.
LB 16	Tuesday, January 18, 1977	2:00 p.m.

(Signed) Orval Keyes, Chairman

Urban Affairs

LB	50	Wednesday, January 19, 1977	2:00 p.m.
LB	11	Wednesday, January 19, 1977	2:00 p.m.
LB	13	Wednesday, January 19, 1977	2:00 p.m.

(Signed) Walter George, Chairman

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet immediately following adjournment in room 1003.

SPEAKER'S ANNOUNCEMENT

Speaker Luedtke announced the cut-off date for bill requests will be 5:00 p.m. on January 18, 1977.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 157. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 9-306, Uniform Commercial Code, relating to secured transactions; to include insurance proceeds within the definition of proceeds when collateral is disposed of; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 158. By Goodrich, 20th District.

A BILL FOR AN ACT to adopt the Neighborhood Improvement District Act of 1977; and to provide severability.

LEGISLATIVE BILL 159. By Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 71-1503, 71-1506, 71-1509, 71-1521 to 71-1523, 71-1526, 71-1528, 71-1530, 71-1532, 71-1535, 71-1542, 71-1543, and 71-1550, Reissue Revised Statutes of Nebraska, 1943, and section 71-1524, Revised Statutes Supplement, 1976, relating to housing; to allow creation of private housing authorities; to define a term; to make certain powers and functions specific; and to repeal the original sections.

LEGISLATIVE BILL 160. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 77-2702, Revised Statutes Supplement, 1976, relating to taxation; to expand a definition; and to repeal the original section.

LEGISLATIVE BILL 161. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Carsten, 2nd District; Cullan, 49th District; Venditte, 7th District; Stoney, 4th District.

A BILL FOR AN ACT to amend sections 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1116, 48-1117, 48-1118, 48-1119, and 48-1120, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Fair Employment Practice Act; to define terms; to amend references to apply to both sexes; to change unlawful employment practices as prescribed; to provide that the Equal Opportunity Commission may become a party to court action; to confer additional rights and powers on the commission; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 162. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Carsten, 2nd District; Cullan, 49th District; Venditte, 7th District; Stoney, 4th District.

A BILL FOR AN ACT to amend sections 48-1002, 48-1004, 48-1007, and 48-1008, Reissue Revised Statutes of Nebraska, 1943, relating to the Act Prohibiting Unjust Discrimination in Employment Because of Age; to define a term; to provide an unlawful employment practice; to increase powers of the commission as prescribed; to change investigation procedures; and to repeal the original sections.

LEGISLATIVE BILL 163. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Chambers, 11th District; Carsten, 2nd District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 42-363, Revised Statutes Supplement, 1976, relating to divorce and alimony; to provide that the judge may waive the waiting period in certain cases; and to repeal the original section.

LEGISLATIVE BILL 164. By Judiciary Committee: Barnett, 26th District, Chairman; Carsten, 2nd District; Cullan, 49th District; Chambers, 11th District; Stoney, 4th District; Nichol, 48th District.

A BILL FOR AN ACT to adopt the Nebraska Crime Victim's Reparations Act; and to provide an operative date.

LEGISLATIVE BILL 165. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District; Nichol, 48th District; Venditte, 7th District; Stoney, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 42-102, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to provide that the legal age of marriage shall be seventeen; and to repeal the original section.

LEGISLATIVE BILL 166. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District; Nichol, 48th District; Stoney, 4th District; Chambers, 11th District.

A BILL FOR AN ACT relating to labor; to provide for the licensing and employment of persons with prior criminal convictions as prescribed; and to provide that persons shall not be disqualified from certain occupations solely because of prior criminal convictions.

LEGISLATIVE BILL 167. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District; Stoney, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 24-553 and 30-2218, Reissue Revised Statutes of Nebraska, 1943, relating to probate; to clarify and harmonize provisions; to repeal the original sections, and also sections 24-564 to 24-566, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 168. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District; Stoney, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 49-617, Revised Statutes Supplement, 1976, relating to distribution of statutes; to change distribution as prescribed; and to repeal the original section.

LEGISLATIVE BILL 169. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District, Venditte, 7th District; Stoney, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend sections 42-364 and 43-201, Revised Statutes Supplement, 1976, relating to custody of minor children; to empower the district court to terminate parental rights in actions of divorce or annulment; to vest jurisdiction in courts as prescribed; and to repeal the original sections, and also section 43-204, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 170. By Koch, 12th District.

A BILL FOR AN ACT to amend sections 77-505, 77-509, and 77-1514, Reissue Revised Statutes of Nebraska, 1943, relating to real property valuation; to provide for statewide valuation through a computerized system; to provide for annual update; to provide duties of the Tax Commissioner and the State Board of Equalization and Assessment; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 171. By Bereuter, 24th District.

A BILL FOR AN ACT relating to Peru State College; to authorize construction of a physical education facility; to provide for the purchase and renovation of Majors Hall; to appropriate funds; to provide conditions and maximum purchase price; and to declare an emergency.

LEGISLATIVE BILL 172. By Bereuter, 24th District.

A BILL FOR AN ACT to adopt the Nebraska State Capitol Environs Protection and Improvement Act; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 173. By Cope, 36th District.

A BILL FOR AN ACT relating to cities and villages; to provide an additional annexation requirement.

LEGISLATIVE BILL 174. By Cope, 36th District.

A BILL FOR AN ACT to amend sections 39-1811, 39-1812, and 39-1813, Reissue Revised Statutes of Nebraska, 1943, relating to maintenance of county roads; to provide when the county board shall cause weeds to be destroyed; to change procedures for the trimming of neglected hedges and trees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 175. By Judiciary Committee: Barnett, 26th District, Chairman; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District; Nichol, 48th District; Venditte, 7th District; Stoney, 4th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, relating to the state patrol; to eliminate the requirement that agency legal counsel assist county attorneys in the prosecution of drug abuse cases; and to repeal the original section.

LEGISLATIVE BILL 176. By Reutzel, 15th District.

A BILL FOR AN ACT to amend section 53-146, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to eliminate the requirement that certain premises be open to view; and to repeal the original section, and also section 53-167, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 177. By Dworak, 22nd District.

A BILL FOR AN ACT relating to employment; to provide that employers shall regularly pay wages to employees; to provide remedies for nonpayment; and to provide exceptions.

LEGISLATIVE BILL 178. By Venditte, 7th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to provide for the merger of a public power district and a metropolitan utility district; to amend section 70-628, Reissue Revised Statutes of Nebraska, 1943; to specify powers and duties; and to repeal the original section, and also Chapter 14, Articles 10 and 11, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 179. By Chambers, 11th District.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1976, relating to assistance for children; to increase the amount of assistance available to qualified persons; and to repeal the original section.

LEGISLATIVE BILL 180. By Goodrich, 20th District.

A BILL FOR AN ACT to amend section 70-624.02, Revised Statutes Supplement, 1976, relating to public power districts; to provide that the board of directors may establish a health or other insurance plan for the directors as prescribed; and to repeal the original section.

LEGISLATIVE BILL 181. By Maresh, 32nd District.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1976, relating to motor vehicle registration; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 182. By Venditte, 7th District.

A BILL FOR AN ACT relating to public health; to prescribe locations for the placement of solid waste disposal facilities; and to define terms.

LEGISLATIVE BILL 183. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Burrows, 30th District; Maresh, 32nd District; Lamb, 43rd District; Venditte, 7th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 2-3412, Revised Statutes Supplement, 1976, relating to the Nebraska Poultry and Egg Resources Act; to change provisions relating to the director's powers to exempt individuals from certain fees; and to repeal the original section.

LEGISLATIVE BILL 184. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Burrows, 30th District; Maresh, 32nd District; Lamb, 43rd District; Venditte, 7th District; Hefner, 19th 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 185. By Nebraska Transportation Advisory Committee: Savage, 10th District, Chairman; Nichol, 48th District; Keyes, 3rd District; Maresh, 32nd District.

A BILL FOR AN ACT to amend sections 60-324, 60-326.01, 60-329, 60-330, 60-331.03, 60-331.04, 60-332, 60-333, 60-334, 60-336, 60-338, 60-415, 60-1603, 60-1803, and 60-1805, Reissue Revised Statutes of Nebraska, 1943, and sections 60-310, 60-320, 60-331, and 60-337, Revised Statutes Supplement, 1976, relating to motor vehicles and motor vehicle registration; to increase fees as prescribed; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 186. By Bereuter, 24th District; Cullan, 49th District.

A BILL FOR AN ACT to amend sections 16-902, 17-1002, 18-1306, 23-174.01, and 23-174.03, Reissue Revised Statutes of Nebraska, 1943, and sections 18-1303, 19-907, 19-910, 19-911, 23-114.01, 23-168.01, 23-168.03, 49-1493, and 84-152, Revised Statutes Supplement, 1976, relating to planning and zoning; to simplify provisions for the exercise of planning and zoning jurisdiction by political subdivisions; to provide that planning commissions shall receive materials regarding subdivision plats; to provide for membership and terms of office for city and village planning commissions; to confer certain powers on planning commissions, city councils, and county boards regarding the issuance of special use permits; to provide qualifications of boards of adjustment members; to prescribe powers of boards of adjustment; to require certain persons to file statements of financial interest; to encourage land-use plans; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 187. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 28-4,125, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to reduce the penalty for possession of a specified amount of marijuana; to change certain court procedures; to provide for sealing of conviction records under specified circumstances; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 188. By DeCamp, 40th District.

A BILL FOR AN ACT to amend section 79-1254, Revised Statutes Supplement, 1976, relating to schools; to change provisions relating to the probationary period for teachers and administrators; and to repeal the original section.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 82	Tuesday, January 18, 1977	10:00 a.m.

(Signed) Jerome Warner, Chairman

Education

LB 22	Monday, January 17, 1977	10:00 a.m.
LB 37	Monday, January 17, 1977	10:00 a.m.
LB 33	Tuesday, January 25, 1977	10:00 a.m.

(Signed) Frank Lewis, Chairman

MOTION—Withdraw LB 25

Mr. Keyes renewed his pending motion found in the Journal on page 138 for the Third Day to withdraw LB 25.

The motion prevailed with 25 ayes, 0 nays, 13 present and not voting, and 11 absent and not voting.

UNANIMOUS CONSENT—Members Excused

Messrs. Boughn and Dworak asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 10 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Mr. Barnett moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays and 21 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 26 ayes, 0 nays and 23 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 7. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 8 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 8. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 6 present and not voting, and 13 absent and not voting.

LEGISLATIVE BILL 9. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 9 present and not voting, and 13 absent and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. Read and considered.

LR 1 was adopted with 29 ayes, 0 nays, 7 present and not voting, and 13 absent and not voting.

LEGISLATIVE RESOLUTION 2. Read and considered.

LR 2 was adopted with 31 ayes, 0 nays, 5 present and not voting, and 13 absent and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 189. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Kahle, 37th District; Venditte, 7th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 19-2107, Reissue Revised Statutes of Nebraska, 1943, and sections 81-1504, 81-1505, 18-1506, 81-1509, 81-1518, and 81-1528, Revised Statutes Supplement, 1976, relating to the Environmental Protection Act; to give the Department of Environmental Control additional powers and duties relative to water quality certifications; to provide unlawful acts; to change appeal procedures as prescribed; to change notice, hearing, and licensing requirements pretaining to solid waste disposal systems; to provide that cities of the second class and villages shall comply with the Environmental Protection Act pertaining to the licensing and control of solid waste disposal system; and to repeal the original sections.

LEGISLATIVE BILL 190. By Lamb, 43rd District.

A BILL FOR AN ACT to amend sections 16-238 and 17-121, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the first and second class; to remove physician residency requirements for board of health membership; and to repeal the original sections.

LEGISLATIVE BILL 191. By Lamb, 43rd District.

A BILL FOR AN ACT relating to the Nebraska brand inspection area; to provide for the addition of counties to the area by petition as prescribed; to amend section 54-134, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 192. 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; and to provide an operative date.

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 20	Thursday, January 20, 1977	2:00 p.m.
LB 93	Thursday, January 20, 1977	2:00 p.m.

(Signed) Donald N. Dworak, Chairman

REPORT OF THE EXECUTIVE BOARD

January 10, 1977

The Legislative Council Executive Board appointed the following senators to committees as:

NEBRASKA RETIREMENT SYSTEMS COMMITTEE
Senator Steve Fowler
Senator Frank Lewis
Senator Glenn Goodrich
Senator Jack Mills

NEBRASKA TRANSPORTATION ADVISORY COMMISSION
Senator Richard Maresh

(Signed) Richard D. Marvel, Chairman
Legis. Council Executive Board

EASE

The Legislature was at ease from 11:15 a.m., until 11:27 a.m.

ANNOUNCEMENTS

Mr. DeCamp announced the Banking, Commerce and Insurance Committee elected Senator Schmit as Vice Chairman.

Mr. F. Lewis announced the Education Committee elected Senator George as Vice Chairman.

Mr. Marvel announced an Executive Board meeting at 2:30 p.m. today in room 2102.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 193 Tuesday, January 18, 1977 10:00 a.m.

(Signed) Jerome Warner, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 193. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943, and sections 50-702 and 84-304, Revised Statutes Supplement, 1976, relating to various fiscal duties; to adopt the Appropriations and Expenditures Review Act of 1977 as prescribed; to repeal the original sections; and to declare an emergency.

VISITORS

The President introduced 60 Millard Senior High School students and sponsors from Millard, Nebraska; Mr. Ed Johannesen, President of the Tax Research Council from North Platte; Members of the National Organization for Women from Omaha, Nebraska.

ADJOURNMENT

At 11:29 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Monday, January 17, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTH DAY–JANUARY 17, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 17, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Reverend Lee Van Ham from Westminster Presbyterian Church, Lincoln, Nebraska.

> Thank you, God, for entrusting the governance of your creation to people. Knowing how cautious we are with the products of our own creativity, it often surprises us that you have trusted us with what you have made, and with enabling what your creation can become.
>
> May we today make your risk a good one. And when we make your trust in us look like a mistake, we pray we will not rationalize our error.
>
> Thank you for being present here today, to be present in our choices and beyond them. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Lewis who was excused until he arrives, and Mr. Newell who was absent until 9:25 a.m.

CORRECTIONS FOR THE JOURNAL

Page 145, line 17, correct spelling of "Association".
Page 146, line 16, delete "D." and insert "C.".
Page 147, line 24, delete "Accounts" and insert "Accountants".

The Journal for the Fourth Day was approved as corrected.

REPORTS

State of Nebraska
STATE CLAIMS BOARD
Capitol Building–Box 94819
Lincoln, Nebraska 68509
January 11, 1977

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

Dear Mr. Brown:

In conformity with the provisions of Section 81-8,226, R.S. Supp., 1976, the following report is made on behalf of the State Claims Board to the Legislature for all claims processed and paid under the State Tort Claims Act since the start of the last regular legislative session.

It should be noted that some of the disallowed tort claims were later appealed to the district courts and are either included in the report submitted by Paul Douglas, Attorney General, or are pending at the present time.

In conformity with the provisions of Section 48-1,104, R.S. Supp., 1976, the following report is made on behalf of the State Claims Board to the Legislature for all claims paid under the Workmen's Compensation Laws on behalf of the State of Nebraska. This report is submitted in the form of a computer (year-end) printout. It would be greatly appreciated if this office could have this printout returned when the Legislature has completed its study of it.

Respectfully submitted,

(Signed) Janet Shepard
Secretary

TORT CLAIMS - 1975

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
4045	Carl Becker	$300.00	Ins. pd. $150.00	Damage to property by heavy equipment leaving deep ruts in hay field.	27-Roads	
4048	Union Insurance Company	$7,092.05	Allowed	Fire occurred in insured's premises. Settlement was entered into by claimant and Shirley Wilkinson. Cause of fire was a result of gas canister being tossed into basement by State Patrol.	64-Patrol	538
4055	Marguerite Row	$500.00	Allowed	Salt and sand mixture washed down from state yards killing blue grass in yard and 24 ft. of lilac hedge.	27-Roads	538
4056	Gary J. Massa	$253.13	Allowed $36.00	Car covered with tar and gravel after flagman had advised him to go on through.	27-Roads	538
4059	Jolene Farrar	$25.08	Allowed	An object from under a mower flew up and struck claimant's windshield.	27-Roads	538
4062	Rolland Jakes, Jr.	$201.00	Disallowed	Property lost while in the custody of Work Release officials.	46-Corrections	
4066	LeRoy Poessnecker	$11.07	Disallowed	Economic damages suffered as a result of theft of property he was guarding for fellow offender.	46-Corrections	
4067	Ronald Evans	$424.00	Disallowed	Property missing after being removed from Work Release Center.	46-Corrections	
5001	Freda Stroud	$50.00	Allowed	Front car bumper was pulled off by protruding steel pole in State parking lot.	65-DAS	538
5002	Fremont Express Co.	$2,080.51	Allowed	Road sign blew in front of driver who lost control and had accident. (Subrogation claim)	27-Roads	538
5003	Connie Siffring	$493.23	Disallowed	Damages to auto caused by accident with improperly placed barricades.	27-Roads	
5004	Fred Eby	$160.94	Allowed	Trooper was chasing speed violator and as he went past bus threw gravel breaking windshield.	64-Patrol	538

Tort Claims - 1975 - page 2

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
5005	Glen Reimers	$1,136.20	Disallowed	While traveling east on Highway 30 to Fremont a tree limb fell on right-a-way striking claimant's vehicle.	27-Roads	
5006	Lillie Thomas	$225.00	Settled	Three savings bonds made out incorrectly.	65-DAS	
5007	Lewis Hillis	$51.97	Disallowed	While driving on Highway 33 ran over a steel guard rail that was in the driving lane and ruined front tire on pickup.	27-Roads	
5008	Bernard Burger	$1,499.78	Disallowed	Slipped while leaving Cabin #7 at Ponca State Park and fractured ankle. Accident occurred during torrential rain storm.	33-G & P	
5009	J. Duane Haywood	$172.26	Disallowed	While driving on Highway 14 met gravel truck. No warning on truck. Windshield was pitted and left headlight lens broken.	27-Roads	
5010	Janice Healey	$50,100.00	Disallowed	While traveling on I-80 encountered truck-plow moving slowly in passing lane with no warning lights.	27-Roads	
5011	Clugston-Ekwall Oil Co.	$519.65	Ins. pd.	Loss of 1,050 gallons of gasoline when in an accident with State snow plow.	27-Roads	
5012	Jeffrey Ball	$375.00	Disallowed	Damage to vehicle when traffic light malfunctioned. Witness said both lights were green from the north and east.	27-Roads	
5013	George Buffington	$10.00	Allowed	A rotary snowplow, with blower, picked up a tin can and hurled it through their storm window & screen.	27-Roads	538
5014	Cecil Cross	$30.00	Pd. by Agency	While transferring medicine from Penal Complex Hospital to an area called Turnkey slipped and broke wristwatch. Claim is for repair of watch.	46-Corrections	538
5015	Allan Logan	$50.00	Ins. pd.	Car's windshield was struck and broken by a chunk of ice thrown by State snow plow.	27-Roads	

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog
5016	Gary Haddan	$395.50	Allowed 50%	Water backed up in basement due to broken sewer where State installed storm sewer.	27-Roads	538
5017	Mrs. Edna Guelker	$33.50	Allowed	Mail box damaged by snow removal machine.	27-Roads	538
5018	Beverly Gildea	$22.00	Allowed	Slipped on piece of ice on sidewalk at Norfolk Regional Center.	25-Institutions	538
5019	Harold Stephens	$382,000.00	Disallowed	Claim for property damage and mental stress.	25-Institutions	
5020	Jasper Falkner	$300,000.00	Disallowed	Assaulted by another offender in Douglas Co. Jail while awaiting sentencing to NPCC.	46-Corrections	
5021	Joseph Jankite	$20.00	Disallowed.	While traveling on 84 Street towards Omaha hit a piece of metal which damaged linkage.	27-Roads	
5022	Jackie Phillips	$781,200.94	Disallowed	While pursuing graduate studies at UN was not properly advised in her program of study.	51-UN	
5023	Harry Vines	$12,780.35	Disallow	While passenger in car driven by Tom Vines car hit chuckhole. Vehicle tipped and pinned claimant.	27-Roads	
5024	John Reynolds	$75,000.00	Disallowed	Was stabbed while in NPCC Chapel by another offender.	46-Corrections	
5025	Edmond Ryan	$15,000.00	Disallowed	Was injured by inmates while playing in basketball game.	46-Corrections	
5026	Charlene Goodban	$9.68	Ins. pd.	While auto was parked in ETV lot it was hit by snow removal equipment.	51-UNL	
5027	Home Indemnity Co.	$222.46	Disallowed	(Subrogation claim) Ward of the State stole a car which then struck vehicle owned by Bertha Kruse, claimant's insurer.	26-Welfare	
5028	Richard Senkbeil, Jr.	$62.00	Allowed 50%	Washing machine malfunctioned ruining clothes.	50-State Coll.	538
5029	Billy Ritter	$42.00	Allowed 50%	Washing machine malfunctioned ruining clothes.	50-State Coll.	538

Tort Claims - 1975 - page 4

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
5030	Calvin Alexander	$130.00	Disallowed	Truck was hit by State vehicle while unloading debris from tornado.	27-Roads	538
5031	Michael Lane	$64.00	Allowed 50%	Washing machine malfunctioned ruining clothes.	50-State Coll.	538
5032	Thomas Martin	$10,050.15	Disallowed	Fell on ice in front of State Administrative offices for Disability Determinations.	65-DAS	
5033	Verna Buman	$11.68	Allowed	While entering State parking lot hit a hole on west ramp breaking front lower spoiler.	65-DAS	538
5034	Cornhusker Farms	$6,400.00	Allowed $562.37	State Fish Hatchery was burning weeds and the fire got away due to high wind burning section of grass and damage to fences.	33-Game & Parks	538
5035	William Schuette	$83.00	Ins. pd.	State snow plows threw snow and ice on pasture fence. This fence has been repaired because of this for the past ten years. Five head of cattle are kept in this area.	27-Roads	538
5036	Mrs. Edgar Smith	$146.86	Disallowed	State gravel truck was spreading sand and gravel and caused an enormous amount of gravel to hit windshield creating pit hole which subsequently cracked.	27-Roads	
5037	Lela Murphy	$183.00	Allowed $136.50	2,640 ft. of fence and posts were destroyed by mowing machine and snow removal equipment.	27-Roads	538
5038	Norris Public Power District	$280.99	Allowed	Claim for damages sustained in collision with pickup truck owned by NPPD and State road grader during snow removal operations.	27-Roads	538
5039	Harold & Alma Glanz	$295.00	Allowed	Front end loader working in the area had an hydraulic fuel pipe break and the wind spread fuel and dust over the house necessitating a thorough washing and painting on two sides of claimant's house.	27-Roads	538

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
5040	Craig Potter	$213.40	Disallowed	Claim for damages to two motorcycles which were removed from private property by Patrol. Includes tow charges as well as repair for damages.	64-Patrol	
5041	Delores Colburn	$114.07	Allowed	Damage to windshield from gravel spreader.	27-Roads	538
5042	Doris Richard	$925,000.00	Disallowed	Settlement for death to employee of Cagle, Inc. while working on UNO construction site.	52-University	
5043	Santander Barros	$292.00	Allowed 50% (Ins. pd. 50%)	Damages to auto sustained in accident involving Environmental Control vehicle and third vehicle.	84-Environmental Control	538
5044	Marvin Schnell	$17,210.40	Disallowed	Loss of 30 acres of bean crop due to inadequate precautions taken during construction of I-80.	27-Roads	
5045	Bernardo Brande	$28.00	Allowed 50%	Washing machine malfunctioned ruining clothes.	50-State Coll.	538
5046	George Walker	$250.00	Allowed	Damage to barbed wire fencing and posts by snow plow.	31-Military	538
5047	Office Services, Inc.	$811.80	Disallowed	Payment of equipment loaned to Natural Resources Commission on approval (sales promotion) which was stolen from agency while in their possession.	55-Natural Res.	
5048	Peggy Nelson	$75,000.00	Disallowed	Death allegedly caused by absence of flashing yellow light at intersection under construction by the Department of Roads.	27-Roads	
5049	David Holle	$75.00	Disallowed	Payment of two tennis rackets and two guitars which were stolen from claimant's apartment while a student at Milford S.C.C.	85-Bd. of Tech. Comm. Coll.	

Tort Claims - 1975 - page 6

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
5050	William Whitson	$40.27	Allowed	When leaving parking space #77, which claimant rents, his front panel became lodged on steel marker, breaking gravel panel. Claim for repairs.	65-DAS	538
5051	Marvin Fuelberth	$627.70	Disallowed	Claim for repairs to ceiling which was allegedly vibrated loose by passing trucks on highway near claimant's home.	27-Roads	
5052	United Services Auto Association	$467.97	Disallowed	Subrogation claim for damages sustained in accident involving Military emergency equipment during emergency conditions.	31-Military	
5053	Darlene Kinser	$10,000.00	Disallowed	Injuries suffered while exiting from drivers' license testing station at 2411 "O" Street, Omaha. Claimant fell and was hospitalized.	24-Motor Vehicles	
5054	Frank Curda	$2,200.00	Allowed $500.00	Damages to livestock during stampede resulting from surveying activities conducted without permission.	55-Natural Res.	538
5055	Lyndall Leach	$150.75	Allowed	Injury sustained while camping at Two Rivers Recreation Area. Tripped over chain and broke left wrist.	33-Game & Parks	538
5056	Stanley Peniska	$50,000.00	Disallowed	Injuries sustained in fall from Hospital Warehouse dock. (Medical Center)	51-University	
5057	Rolger Tomasek	$281.37	Disallowed	Repairs to hubcaps, fender skirts and fender mounting brackets damaged as a result of driving over rumble-strip.	27-Roads	
5058	Henry Briones	$89.00	Disallowed	Loss of personal property while an inmate in the care of the State. Guitar his wife took to Penal Complex and never delivered to claimant.	46-Corrections	
5059	Mack Ellis	$400,000.00	Disallowed	Recovery of damages for wrongful death of daughter killed in one-car accident due to improper warning signs on highway.	27-Roads	

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
5060	James Prchal	$141.26	Allowed	Cracked windshield sustained when claimant met a sand and gravel truck during storm Jan. 19, 1975, on Hiway 30, east of Grand Island. Also for paint which had been pitted on left front quarter panel.	27-Roads	538
5062	Iowa National Mutal Ins. Co.	$165.33	Disallowed	Subrogation for payment made to Dawson Public Power District for incurred expenses resulting from improper utility plans while digging at rest area.	27-Roads	538
5063	Lloyd G. Kaufman	$110.00	Disallowed	Replacement of windshield broken while passing through construction project near Anselmo, NE.	27-Roads	
5064	Carleton Pettijohn, Jr.	$5,599.00	Disallowed	Monies lost as a result of improper sale transactions where the Board was conducting sale of school land leases.	32-Ed. Lands & Funds	
5065	Diane Peterson	$20,975.00	Withdrawn	Damages for injuries sustained in vehicle accident with City of Omaha bus.		
5066	James Gronewald	$34.58	Disallowed	Repair of damages to automobile as a result of level of pavement and at a bridge was not the same. Claimant's auto struck the cement corner of the bridge.	27-Roads	
5067	Richard and Iris Johnson	$2,350.35	Disallowed	Replacement of demolished 1973 Chevrolet pickup which was taken and destroyed by an escaped patient from Hastings Regional Center.	25-Institutions	
5069	Pamela Peterson	$130.30	Withdrawn	Windshield cracked during highspeed chase involving another vehicle and a Sheriff's car.		
5070	Lee Mayfield	$384.00	Disallowed	192 hours @ $2/hr. of cleaning time to store containing glass, antiques, etc. during Highway Construction Project F71-3 1002, Track 24.	27-Roads	
5071	Barry James Delaney	$25,042.30	Disallowed	Expenses incurred resulting from motorcycle accident caused by wet paint on center line of highway.	27-Roads	

Tort Claims - 1975 - page 8

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
5072	Gilbert Nicholson	$111.96	Allowed	Windshield of automobile broken by rocks thrown off roof by concrete cutter cutting roofing material while employee's car was parked in Sign Shop Parking Lot.	27-Roads	538
5073	Dona Painter	$1,723.40	Allowed $2,000.00	Expenses incurred resulting from an injury sustained while at auction at Norfolk Regional Center when a bookcase fell on 3 yr. old James, fracturing his right leg.	25-Institutions	538
5074	Gary Gabelhouse	$83.85	Disallowed	Reimbursement for property stolen while being stored at G & P Commission building.	33-Game & Parks	
5076	Susan Schroeder	$12.00	Allowed	Replace slacks ruined when claimant sat on wet paint at Arbor Lodge.	33-Game & Parks	538
5077	Margaret Wolf	$25,000.00	Disallowed	Damages for injures sustained as a result of icy sidewalks on State property. Claimant underwent surgery and suffers permanent disability (25% of left leg.)	65-DAS	
5078	Leona Havranek	$9.00	Disallowed	Medical expense incurred resultant from injury allegedly sustained from fall in Alliance Unemployment office on "slippery, highly-waxed floor".	23-Labor	
5079	Edna Benson	$200.00	Allowed	Damages to personal property, i.e., furnishings, etc. done by foster child who was State ward placed in claimant's home.	46-Corrections	538
5080	State Automobile & Casualty Underwriters	$24,565.13	Disallowed	Subrogation claim for damages to tractor/trailer, cargo and various farmers' crops. Vehicle was following detour on Highway #15. Rain and poor road conditions caused vehicle to slide off road, fall on its side and loose 50 head of cattle.	27-Roads	
5081	MFA Insurance Companies	$193.44	Disallowed	Subrogation claim for damages to insured's auto resulting from improper maintenance of manhole.	27-Roads	

TORT CLAIMS - 1976

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
6001	John & LeDene Phalen	$464.57	Withdrawn	Repairs to motorcycle; and personal injury expenses resulting from motorcycle accident occurring as a result of barricade with no lights or sign operating on interstate off ramp.	27-Roads	
6002	Montgomery Wards	$550.00	Allowed	Repair to delivery truck which sustained damage to its top and side from low-hanging traffic signal light which was hanging down due to high winds.	27-Roads	538
6003	Carmen Wallin	$4,317.28+ general damage	Disallowed	Property damage, personal injury, medical expenses and general damages for accident occurring on state maintained bridge.	27-Roads	
6004	Elizabeth Rogler	$221.43	Disallowed	Reimbursement of medical expenses incurred as a result of an injury sustained when claimant fell down a flight of stairs in Capital while on a tour.	65-DAS	
6005	Mike Ward	$261.07	Allowed	Property damage by residents of Nebraska Center for Children and Youth. Four tires, repair to wiring system of claimant's auto and two towing charges.	26-Welfare	538
6006	Francis Miller	$26.00	Allowed	$25 for time and effort and $1 for notary public fee for filing claim form. Claimant's trailer was parked in front of his home and mistakenly picked up by Dept. of Roads' personnel who subsequently lowered trailer. Had to borrow hydraulic jacks to correct.	27-Roads	538
6007	Briggs Pump Co., Inc.	$50.00	Allowed	Expenses incurred for removal of road tar from salesman's auto when he drove his auto through fresh oil on State highway.	27-Roads	538
6008	Gary Rhoads	$10,000.00	Disallowed	Personal injuries sustained during working hours in Penitentiary kitchen. Claimant suffered internal burns, impaired vision and partial paralysis of left leg and arm.	46-Corrections	

Tort Claims - 1976 - page 2

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
6009	Tina Hollopeter	$1,000.00	Ins. pd.	Repair of damages to claimant's home, i.e., plaster & painting resulting from moving of heavy equipment near claimant's home.	27-Roads	
6010	Maurice Frazer, M.D.	$86.56	Disallowed	Reimbursement of expenses incurred as a result of hydrant being torn off during leveling process on State highway.	27-Roads	
6011	Duane & Clarence Brundage & Thelma Glasser	$16,847.00	Disallowed	Damages suffered through the inability to carry on business and livelihood of raising and feeding livestock resulting from State's refusal to enter into condemnation proceedings on claimants' property.	27-Roads	
6013	Carl Wills	$100,000.00	Disallowed	Claimant sustained injuries while being assaulted at Penal Complex by another offender. Claimant alleges State to have failed to properly supervise claimant's cell area and failed to have guard present or properly supervising area.	46-Corrections	
6014	Marjorie Wilke	$350,000.00	Disallowed	Wrongful death based on negligence of Craig Carlson, employee of Dept. of Roads working as flagman, working on shoulder repair project.	27-Roads	
6015	John Gunzenhauser	$8,932.29	Allowed $4,444.68	Loss of revenue and expenses incurred as result of construction project blocking reasonable access to claimant's place of business.	27-Roads	538
6016	Eugene Oziah	$10,000.00	Disallowed	Compensation for loss of earning power and permanent damage to joint of right index finger resulting from delayed medical treatment.	46-Corrections	
6017	Edward Belitz	$80.00	Allowed $78.51	Damage to back car window incurred while campus police scraped ice from rear window to read parking permit.	51-University	538

Tort Claims - 1976 - page 3

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
6019-6048	Harper Hall Residents UNL	$884.59 total	Ins. pd.	Property losses incurred as a result of excessive temperatures in dormitory rooms during Thanksgiving break, 1975.	51-University	
6049	Kenneth A. Lyon	$458.00	Allowed	Payment of medical expenses incurred as a result of improper setting of broken leg (broken while in custody of NPCC). Upon release claimant required 8 casts to repair injured leg improperly treated at Complex.	46-Corrections	538
6050	Philip Hart	$200.00	Allowed	Roads Dept. employees trespassed on claimant's property and cut down trees.	27-Roads	538
6051	Harold Johnson	$35,000.00	Disallowed	Reimbursement of medical expenses and compensation for permanent disability resulting from two separate back injuries while incarcerated at NPCC.	46-Corrections	
6052	Kirk Ziegler	$87.81+	Disallowed	Payment of windshield allegedly broken by rock blowing from sand-blowing equipment.	27-Roads	
6054	Dr. Robert Schleiger	$11,474.98	Disallowed	Fulfillment of personal services contract for a period of 6 mo.	85-Bd. of Tech. Comm. Coll.	
6055	Dr. Robert Schleiger	$1,153.80	Disallowed	Compensation for 12 lost vacation days not paid upon termination of agency.	85-Bd. of Tech. Comm. Coll.	
6056	Larry Thornburg	$132.20	Disallowed	Repair to broken windshield from loose asphaltic material on State highway.	27-Roads	
6057	Haskell & Sons	$989.77	Disallowed	Out-of-pocket expenses to be reimbursed for inaccurate scales located at Kilgore, NE which were used to compute sale price of 95 steers and 43 heifers.	18-Agriculture	
6058	Russell Clark	$50.00	Ins. pd.	Replacement of tire and rim which were destroyed as a result of claimant's vehicle striking large piece of concrete in roadway.	27-Roads	
6059	Wayne Walde	$230.00	Allowed $228.84	Repair to claimant's pickup truck which was struck by falling tree being [illegible] by Roads' personnel.	27-Roads	538

Tort Claims - 1976 - page 4

No.	Name	Amount Claimed	Disposition	Description	Agency	Proj.
6060	State Automobile & Casualty Underwriters	$14,085.37	Disallowed	Subrogation claim for payments made as follows: $8,052.55 paid to farmers for property damage; $6,032.00 paid for loss of cattle as a result of vehicle accident allegedly caused by improper maintenance of State Detour - Hiway #15.	27-Roads	
6061	Lichti Bros. Transport Company	$4,769.00	Disallowed	Damage to claimant's truck sustained as a result of vehicle accident allegedly caused by improper maintenance of State Detour - Hiway #15.	27-Roads	
6062	Marvin Nielsen Trucking, Inc.	$5,710.76	Disallowed	Damage to claimant's tractor sustained as a result of vehicle accident allegedly caused by improper maintenance of State Detour - Hiway #15.	27-Roads	
6063	Leroy Lindner	$112.32	Allowed	Repairs to claimant's auto which resulted from Dept. of Roads' personnel pulling it from a snow bank by the bumper.	27-Roads	538
6064	Evelyn Cahill	$177.18	Disallowed	Claimant's son was driving on highway past machine grinding tree limbs. A piece of wood hit the windshield and cracked it.	27-Roads	
6065	Gary Goldenstein	$10,000.00	Ins. pd. $1,500.00	Personal injury sustained while claimant was incarcerated at NPCC and was struck by a State van at the Complex.	46-Corrections	
6066	Donelle Edmondson	$330.93	Allowed $256.10	Damages sustained to claimant's auto when it was hot wired and stolen by patient.	25-Institutions	538
6067	Mary Forsythe	$184.16	Disallowed	Repair to claimant's vehicle from hit and run accident which occurred in Space 198, Parking Lot at 17th & K Streets.	65-DAS	
6068	Steven McCurn, Deceased	$150,000.00	Disallowed	Wrongful death of claimant resulting from wounds inflicted by individual previously released from Lincoln Regional Center.	25-Institutions	
6069	Cindy Stander	$630.00	Disallowed	Retroactive ADC payments.	26-Welfare	
6070	Dr. Charles Vacanti	$75,000.00	Disallowed	Personal injury as a result of ice on floor of north side of Capitol.	65-DAS	

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
6071	Roy Billings	$1,542.96	Disallowed	Damages sustained to claimant's sports car after it was stolen by two escapees from Kearney Youth Development Center.	46-Corrections	
6072	City of Lincoln	$60.34	Allowed	Repair to underground cables owned and maintained by claimant which were cut by post hole digger operated by employee of Dept. of Roads.	27-Roads	538
6074	Lillian Rupprecht	$61.67	Disallowed	Replacement of rear window in claimant's auto which was parked outside of laundry at Hastings Regional Center where claimant is employed. Window was knocked out.	25-Institutions	
6076	Robert Coleman	$2,216.70	Disallowed	Personal property stolen from claimant's cell when cell door was dead locked open for 2¼ hrs. Loss included collection of stamps.	46-Corrections	
6077	Lois & Clarence Holt	$7,000.00	Disallowed	Special damages, i.e., transportation expenses, medical bills, loss of income; pain and suffering by Mrs. Holt; loss of consortium and compansionship by Mr. Holt resulting from injury claimant sustained while a patient at the Medical Center.	51-University	
6078	Dean Webster	$332.49	Disallowed	Repair bill for damages to claimant's auto from driving over box of batteries left in road.	27-Roads	
6079	Sharon Devino	$1,620.00	Disallowed	$1,200.00 medical expenses and $420.00 retroactive ADC payments.	26-Welfare	
6080	Betty Fendrych	$4,029.80	Allowed $3,200.00	Damage to claimant's well and pasture resulting from rain carrying soil over this property allegedly caused from construction on Highway #32.	27-Roads	538
6081	Rudy Sloup	$83.15	Allowed	Damages to claimant's motorcycle wheel and tire which were allegedly damaged due to hole in the highway.	27-Roads	538
6082	Reed Schwartzkopf	$36.41	Allowed	Damages to claimant's motorcycle sustained as a result of patch of sodding material being left in DOR parking lot.	27-Roads	538

Tort Claims - 1976 - page 6

No.	Name	Amount Claimed	Disposition	Description	Agency	Prog.
6084	Dennis Hauschild	$500,000.00	Disallowed	Bodily injury inflicted upon claimant inmate incarcerated in NPCC resulting in permanent disabilities.	46-Corrections	
6085	Leonard Koranda	$61.00	Allowed	Damages sustained to claimant's car as a result of hole in highway not being properly barricaded.	27-Roads	538
6086	David Van Houten	$150.00	Allowed	Damages to claimant's auto when a large piece of concrete fell from interstate deck while Roads' crew was drilling on it.	27-Roads	538
6087	Anton Jurzenski	$662.96	Disallowed	Damages to claimant's pickup truck which was allegedly stolen in an escape by an inmate from Correctional Services, and involved in a hit and run accident.	46-Corrections	
6089	Harvey Levander	$65.30	Ins. pd.	Removal of paint from claimant's auto which splattered on car during line-painting operations on highway.	27-Roads	
6090	Margaret Pearson	$138.74	Disallowed	Replacement cost of tire, wheel, hub cap, wheel balancing, and front end alignment necessitated when claimant hit large chuckhole in Highway 20 detour.	27-Roads	
6091	Carl Fisher	$4,100.00	Disallowed	Damages for erosion on claimant's farmland caused by alterations on existing culvert.	27-Roads	
6092	Ferrin Schwaninger	$15,000.00+	Disallowed	Refund of monies paid by claimant for care at Lincoln Regional Center.	25-Institutions	
6100	Kurt Lauer	$25.00	Disallowed	Replacement value of flashlight and $13 cash taken from claimant while on camping trip with youth from Kearney Youth Development Center.	46-Corrections	
6101	George Muller	$25,000.00	Disallowed	Personal injury to claimant when he suffered an electrical shock while working at NPCC as an inmate.	46-Corrections	

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1976 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	ATTORNEYS	FEE
Nemaha	Nestor & Malcom, L. Joe Stehlik, & Brandt & Horan	$ 1,347.82
Lower Elkhorn	Jewell, Otte, Gatz, Collins, Domina	1,300.00

AGRICULTURAL PRODUCTS INDUSTRIAL UTILIZATION COMMITTEE

January 11, 1977

Mr. Vincent Brown
Clerk of the Legislature
Room 2020, State Capitol

Dear Mr. Brown:

I am submitting this letter to be inserted into the Committee's First Annual Report submitted to you on March 8, 1976 as required by state statute. An error was made when the cash carry-over was reported as $235,007.37 instead of $135,687.88 from the fiscal year of 1974-75 on page 1 of the report. So the amount of $135,687.88 was available for the fiscal year of 1974-75 and not the higher figure. The higher figure was also reported on page 12 of the annual report. All other information has been reexamined and is found to be in order.

The total cash available to A.P.I.U.C. on June 30, 1975 to carry-over into the fiscal year 1975-76 was $122,268.00. This information should have been reported on page 12.

This letter contains any or all corrections to the First Annual Report submitted on March 8, 1976.

Sincerely yours,

(Signed) Charles R. Fricke
Administrator

CRF:iiu
cc: Committee Members
Tim Aron, Budget–DAS
Tom Bergquist, Legislative Fiscal Office

NOTICE OF CANCELLATION OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 44 Thursday, January 27, 1977 (Cancelled) 10:00 a.m.

(Signed) Dennis L. Rasmussen, Chairman

ANNOUNCEMENTS

Mr. Stoney announced the Intergovernmental Cooperation Committee will meet immediately following adjournment under the North Balcony.

Mr. Kremer announced the Public Works Committee will meet at 1:00 p.m. today under the North Balcony.

Mr. Rasmussen announced the Government, Military and Veterans Affairs Committee will meet at 1:25 p.m. today under the South Balcony.

UNANIMOUS CONSENT—Add Co-Introducers

Mr. Reutzel asked unanimous consent to add his name to LB 75. No objections. So ordered.

Mr. Simon asked unanimous consent to add his name to LB 193. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 194. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 68-602, Reissue Revised Statutes of Nebraska, 1943, relating to social security; to redefine political subdivision; and to repeal the original section.

LEGISLATIVE BILL 195. By Cope, 36th District.

A BILL FOR AN ACT to amend section 18-1729, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages; to authorize cities and villages to retain certain fees for administering nonmoving violations; and to repeal the original section.

LEGISLATIVE BILL 196. By Simon, 31st District.

A BILL FOR AN ACT to amend section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to clarify provisions relating to the operation of a motor vehicle to avoid arrest; and to repeal the original section.

LEGISLATIVE BILL 197. By Simon, 31st District.

A BILL FOR AN ACT to amend section 2-3252, Reissue Revised Statutes of Nebraska, 1943, relating to natural resource districts; to grant authority to district boards to exercise alternative funding powers for improvement projects; to provide certain conditions for issuing bonds; to authorize the charging of interest on delinquent payments; and to repeal the original section.

LEGISLATIVE BILL 198. By Maxey, 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 199. By Duis, 39th District.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes Supplement, 1976, 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 200. By Duis, 39th District.

A BILL FOR AN ACT to amend section 54-820, Revised Statutes Supplement, 1976, relating to the Nebraska Commercial Feed Law; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 201. By Reutzel, 15th District.

A BILL FOR AN ACT relating to elections; to amend sections 5-108, 32-534, 79-902, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 16-302.01, 17-107.02, 19-612, 32-421.01, 32-428.07, 32-4,101, 32-504, 32-1001.39, and 79-2202.01, Revised Statutes Supplement, 1976; to revise and harmonize provisions; to eliminate a restriction on candidates defeated in the primary; to provide for vacancies in office; to change time for taking certain actions; to change requirements for eligibility for office; to provide for expenses of technical community college elections; and to repeal the original sections.

LEGISLATIVE BILL 202. By Simon, 31st District.

A BILL FOR AN ACT relating to franchise arrangements; to provide regulation of franchise arrangements as prescribed; and to declare an emergency.

LEGISLATIVE BILL 203. By Cullan, 49th District.

A BILL FOR AN ACT to amend sections 19-615 and 19-617, Reissue Revised Statutes of Nebraska, 1943, relating to city manager plan; to harmonize provisions; to provide when the terms of mayor shall end; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 204. By Merz, 1st District.

A BILL FOR AN ACT to adopt the Alcoholism and Intoxication Treatment Act; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to provide severability; to provide an operative date; and to repeal the original section, and also section 53-196, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 205. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 79-328, Revised Statutes Supplement, 1976, relating to the State Board of Education; to authorize the irrigation or other improvement of certain real estate; and to repeal the original section.

LEGISLATIVE BILL 206. By Clark, 47th District.

A BILL FOR AN ACT to amend sections 71-201 and 71-203, Reissue Revised Statutes of Nebraska, 1943, and section 71-313, Revised Statutes Supplement, 1976, relating to barbering and cosmetology; to redefine terms; to allow certain activities as prescribed; to harmonize provisions; and to repeal the original sections, and also section 71-322.02, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 207. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 44-513, Revised Statutes Supplement, 1976, relating to insurance; to provide payment for services utilizing treatment by manual spinal adjustment; and to repeal the original section.

LEGISLATIVE BILL 208. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 25-202, Reissue Revised Statutes of Nebraska, 1943, relating to district courts; to provide that power and irrigation districts may recover title to certain lands even after they have been adversely possessed; and to repeal the original section.

LEGISLATIVE BILL 209. By Warner, 25th District.

A BILL FOR AN ACT relating to insurance; to provide certain licensing requirements as prescribed; and to provide a operative date.

LEGISLATIVE BILL 210. By Warner, 25th District.

A BILL FOR AN ACT to amend section 49-1496, Revised Statutes Supplement, 1976, relating to conflicts of interest; to change provisions requiring certain disclosure of land ownership as prescribed; and to repeal the original section.

LEGISLATIVE BILL 211. By Merz, 1st District.

A BILL FOR AN ACT to amend sections 39-6,125 and 39-6,127, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,178, Revised Statutes Supplement, 1976, relating to rules of the road; to change provisions relating to slow-moving vehicles; to change a clearance light requirement; to provide an exception to vehicle height limitations; and to repeal the original sections.

LEGISLATIVE BILL 212. By Kremer, 34th District.

A BILL FOR AN ACT to amend sections 83-945, 83-948, and 83-950 to 83-953, Revised Statutes Supplement, 1976, relating to criminal detention facilities; to create a standards board; to provide qualifications for members; to specify duties of the board as prescribed; and to repeal the original sections, and also sections 83-947 and 83-949, revised Statutes Supplement, 1976.

LEGISLATIVE BILL 213. By Dworak, 22nd District.

A BILL FOR AN ACT relating to littering; to prohibit the sale of certain beverage containers; and to provide a penalty.

LEGISLATIVE BILL 214. 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 215. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 79-548.01 and 79-1007.02, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that bonds shall be issued for certain needs; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 216. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 37-233 and 37-235, Reissue Revised Statutes of Nebraska, 1943, relating to game and fish; to provide when the Game and Parks Commission shall issue permits to use aircraft to shoot coyotes; to change penalties; and to repeal the original sections.

LEGISLATIVE BILL 217. By Mills, 44th District.

A BILL FOR AN ACT to amend section 46-664, Revised Statutes Supplement, 1976, relating to ground water; to require control of runoff on a statewide basis; and to repeal the original section.

LEGISLATIVE BILL 218. By Mills, 44th District.

A BILL FOR AN ACT relating to liens; to provide for fertilizer liens as prescribed.

LEGISLATIVE BILL 219. By Marsh, 29th District.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1976, relating to income tax; to allow a food tax credit by the guardian of a ward claimed as an exemption by a nonresident taxpayer; and to repeal the original section.

LEGISLATIVE BILL 220. By Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Litter Control Act; to impose a tax and provide for the disposition and use thereof; to impose duties; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 221. By Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Restitution Employment Furlough Act.

LEGISLATIVE BILL 222. By Venditte, 7th District.

A BILL FOR AN ACT to amend section 81-1108.41, Revised Statutes Supplement, 1976, relating to the Department of Administrative Services; to reduce a cost amount; and to repeal the original section.

LEGISLATIVE BILL 223. By Venditte, 7th District.

A BILL FOR AN ACT to amend section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, relating to drunken driving; to revise penalties for offenses relating to the operation of a motor vehicle while under the influence of alcoholic liquor or intoxicating drugs; and to repeal the original section.

LEGISLATIVE BILL 224. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-355, Revised Statutes Supplement, 1976, 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 225. By Savage, 10th District.

A BILL FOR AN ACT to amend section 8-319, Revised Statutes Supplement, 1976, relating to building and loan associations; to authorize certain unsecured loans to members as prescribed; and to repeal the original section.

LEGISLATIVE BILL 226. By Merz, 1st District.

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

LEGISLATIVE BILL 227. By Mills, 44th District.

A BILL FOR AN ACT to amend section 60-2302, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for recording of mileage when a repaired or replaced odometer is incapable of registering the same mileage; and to repeal the original section.

LEGISLATIVE BILL 228. By Stoney, 4th District.

A BILL FOR AN ACT to amend section 31-735, Revised Statutes Supplement, 1976, relating to sanitary and improvement districts; to change the manner the board of trustees is elected; and to repeal the original section.

LEGISLATIVE BILL 229. By Bereuter, 24th District.

A BILL FOR AN ACT to amend section 84-908.01, Revised Statutes Supplement, 1976, relating to administrative agency rules; to direct the Legislative Fiscal Analyst to submit analyses on legislation involving administrative agencies and their powers; to prescribe what material shall be included in the analyses; to confer certain powers of rule suspension on the Legislature's Committee on Administrative Agency Rules and Regulations; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 230. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 60-2002, 60-2003, 60-2005, 60-2008, 60-2009, 60-2010, 60-2013, 60-2015, 60-2016, 60-2018, 60-2021, 60-2022, and 60-2023, Reissue Revised Statutes of Nebraska, 1943, relating to snowmobiles; to change requirements for the registration of snowmobiles; to fix a maximum administrative cost of registration; to authorize the issuance of special permits; to create the Nebraska Snowmobile Trail Fund; to deposit fees into such fund; to provide procedures for transfer of title; to provide for rules and regulations; to authorize operation of snowmobiles on certain public areas; to make certain acts unlawful; to provide for enforcement of registration laws; to provide penalties; and to repeal the original sections, and also section 60-2012, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 231. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 50-102, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to provide that the Legislature may waive the requirement of organizing a credentials committee, as prescribed; and to repeal the original section.

LEGISLATIVE BILL 232. By Fowler, 27th District.

A BILL FOR AN ACT relating to energy; to establish the State Energy Office; to prescribe duties and responsibilities; and to require annual reports.

LEGISLATIVE BILL 233. By Fowler, 27th District.

A BILL FOR AN ACT to amend sections 32-226 and 32-438, Reissue Revised Statutes of Nebraska, 1943, and sections 32-210.01, 32-216, and 32-513, Revised Statutes Supplement, 1976, relating to elections; to require that polling places and voting booths be constructed to provide free access by voters with physical mobility limitations; to require the establishment of standards and criteria of accessibility; to allow waivers as prescribed; to establish a date when all voting places shall be fully

accessible by all voters; to provide for voter registration by mail as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 234. By Maresh, 32nd District; Cullan, 49th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, section 1, of the Constitution of Nebraska, relating to taxation; to permit the Legislature to provide a basis other than valuation for the taxation of mobile homes; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

ANNOUNCEMENT

Mr. Hasebroock announced the Conflicts of Interest Committee elected the following officers: William H. Hasebroock, Chairman and Robert Clark, Vice-Chairman.

NOTICE OF COMMITTEE HEARINGS

Business and Labor

LB 104	Wednesday, January 26, 1977	2:00 p.m.
LB 177	Wednesday, January 26, 1977	2:00 p.m.
LB 144	Wednesday, January 26, 1977	10:00 a.m.
LB 143	Wednesday, January 26, 1977	10:00 a.m.

(Signed) Richard Maresh, Chairman

Public Works

LB 31	Wednesday, January 26, 1977	1:30 p.m.
LB 90	Wednesday, January 26, 1977	1:30 p.m.
LB 24	Thursday, January 27, 1977	1:30 p.m.
LB 100	Friday, January 28, 1977	10:00 a.m.
LB 147	Friday, January 28, 1977	10:00 a.m.
LB 151	Friday, January 28, 1977	1:30 p.m.

(Signed) Maurice A. Kremer, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed: LR 2.

EASE

The Legislature was at ease from 9:27 a.m. until 9:47 a.m.

ANNOUNCEMENT

Mr. Hasebroock announced the Nebraska Retirement Systems Committee elected Senator Frank Lewis as Vice-Chairman.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
10	Judiciary	175	Judiciary
157	Bkg. Comm. & Ins.	176	Misc. Subjects
158	Urban Affairs	177	Bus. & Labor
159	Urban Affairs	178	Public Works
160	Revenue	179	Pub. Hlth & Wel.
161	Judiciary	180	Public Works
162	Judiciary	181	Public Works
163	Judiciary	182	Agric. & Env.
164	Judiciary	183	Agric. & Env.
165	Judiciary	184	Agric. & Env.
166	Judiciary	185	Public Works
167	Judiciary	186	Gov. Mil. & Vets Afrs
168	Judiciary	187	Judiciary
169	Judiciary	188	Education
170	Revenue	189	Agric. & Env.
171	Appropriations	190	Urban Affairs
172	Gov. Mil. & Vets Afrs	191	Agric. & Env.
173	Urban Affairs	192	Revenue
174	Public Works	193	Appropriations

(Signed) Richard D. Marvel, Chairman

REPORT OF THE EXECUTIVE BOARD

Any protest regarding the referral of bills must be received from either the introducer of the legislation, the Chairman of the committee to which the bill was originally referred, or the Chairman of the committee to which the bill is reassigned.

(Signed) Richard D. Marvel, Chairman

MESSAGE FROM THE GOVERNOR

January 13, 1977

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Board of Public Roads Classifications and Standards requiring legislative confirmation:

Mrs. Pat Petersen, 140 W. Hawthorne, Minden, succeeding J. R. McBride, resigned - term expiring November 3, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do
cc: Committee on Committees
Bd. of Public Roads Classification & Standards
Mrs. Pat Petersen

BILLS ON FIRST READING

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

LEGISLATIVE BILL 235. By Boughn, 21st District.

A BILL FOR AN ACT relating to state employees; to define terms; to provide for overtime compensation payable to state employees, as prescribed; to adopt procedures for recovery of compensation; to make certain acts unlawful; to provide penalties; to provide for rules and regulations to repeal section 81-117, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 236. By Nichol, 48th District.

A BILL FOR AN ACT relating to recreational vehicles; to transfer jurisdiction to the Department of Motor Vehicles; to provide for certifications; to provide a penalty; to amend sections 60-301, 60-302, 60-1411.02, 71-4601, 71-4602, 71-4603, 71-4604, 71-4604.01, 71-4605,

71-4606, 71-4607, 71-4608, and 71-4609, Revised Statutes Supplement, 1976; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 237. By Savage, 10th District.

A BILL FOR AN ACT to amend section 53-124, Revised Statutes Supplement, 1976, relating to liquors; to authorize the issuance of a liquor retailer's license to a fine arts museum; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 238. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 14-1732, 14-1733, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to prescribe the purposes for which off-street parking facilities shall be used; to provide for levying of assessments in parking districts; to prescribe the term of certain leases; to harmonize provisions; and to repeal the original sections, and also section 14-1736, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 239. By Newell, 13th District.

A BILL FOR AN ACT relating to county government; to provide for election of a county executive director for certain counties; to provide duties; to provide for election of certain commissioners by district; to amend section 23-151, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 240. By Maresh, 32nd District.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to provide certain exemptions.

LEGISLATIVE BILL 241. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1976, relating to taxation; to provide exceptions to an increase in the sales tax rate for certain construction projects; and to repeal the original section.

LEGISLATIVE BILL 242. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Hefner, 19th District; Lamb, 43rd District; Maresh, 32nd District; Burrows, 30th District.

A BILL FOR AN ACT relating to county extension work; to revise statutory provisions pertaining to county extension work; to reflect needed changes; to provide for an extension board of directors for each county or unit as prescribed; to provide powers and duties of such board; and to repeal sections 2-1601 to 2-1607, Reissue Revised Statutes of Nebraska, 1943.

ANNOUNCEMENTS

Mr. Marvel announced an Executive Board meeting in room 2102 at 4:00 p.m. today.

Mr. R. Lewis announced the Public Health and Welfare Committee has elected Mr. Moylan as Vice-Chairman.

ADJOURNMENT

At 9:54 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, January 18, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTH DAY–JANUARY 18, 1977

LEGISLATIVE JOURNAL

SIXTH DAY—JANUARY 18, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 18, 1977

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

PRAYER

The prayer was offered by Reverend Lee Van Ham from Westminster Presbyterian Church, Lincoln, Nebraska.

> God, we gather for the task of this body. We have an agenda, we have on-going committee work, we have appointments to meet.
>
> We come to our tasks not only with skills, competence, and a deep desire to be effective, but also with our personal human agendas – a need to be loved, a need to be appreciated, and a residue of disappointments from our yesterdays.
>
> As we are aware of both our legislative agenda and our personal agendas, we pray that we can participate in them both, in ways that are effective and healing. Especially we pray for relationships that are strong and life-giving, so that we may be personally nourished as we work on our corporate agenda and our personal agendas. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Cope and Newell who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.
LEGISLATIVE BILL 3. Placed on Select File.
LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.
LEGISLATIVE BILL 6. Placed on Select File.
LEGISLATIVE BILL 7. Placed on Select File.

LEGISLATIVE BILL 8. Placed on Select File as amended.
E & R amendments to LB 8:

1. On page 2, lines 9 and 19, page 3, line 13, and page 4, line 18, strike the new matter and insert "reissued or" after "and".
2. On page 5, line 10, insert an underscored comma after "1943".

LEGISLATIVE BILL 9. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT–Add Co-Introducer

Mr. Hefner asked unanimous consent to add his name to LB 216. No objections. So ordered.

ANNOUNCEMENT

Mr. Stoney announced that the Intergovernmental Cooperation Committee met today and elected Senator Robert L. Clark Vice-Chairman of the Committee.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce & Insurance

LB 77	Monday, January 24, 1977	10:00 a.m.

(Signed) John W. DeCamp, Chairman

Public Health and Welfare

LB 138	Monday, January 24, 1977	10:00 a.m.
LB 92	Monday, January 24, 1977	1:30 p.m.

LB 115	Tuesday, January 25, 1977	1:30 p.m.
LB 103	Tuesday, January 25, 1977	1:30 p.m.
LB 179	Tuesday, February 1, 1977	1:30 p.m.
LB 43	Tuesday, February 1, 1977	1:30 p.m.

(Signed) Richard Lewis, Chairman

Revenue

LB 30	Monday, January 24, 1977	2:00 p.m.
LB 67	Monday, January 24, 1977	2:00 p.m.
LB 106	Monday, January 24, 1977	2:00 p.m.
LB 78	Tuesday, January 25, 1977	2:00 p.m.
LB 127	Tuesday, January 25, 1977	2:00 p.m.
LB 160	Tuesday, January 25, 1977	2:00 p.m.
LB 99	Wednesday, January 26, 1977	2:00 p.m.

(Signed) Orval Keyes, Chairman

ANNOUNCEMENTS

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will meet at 2:00 p.m. in Room 2230.

Mr. Luedtke announced the Administrative Agency Rules and Regulations Committee will meet under the South Balcony immediately upon adjournment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 243. By Kahle, 37th District.

A BILL FOR AN ACT relating to taxation; to provide an additional penalty for failure to report improvements to real property.

LEGISLATIVE BILL 244. By Hasebroock, 18th District.

A BILL FOR AN ACT to amend section 77-27,150, Revised Statutes Supplement, 1976, relating to taxation; to provide for a refund of sales and use taxes by the owner of an air or water pollution control facility; to provide procedures; and to repeal the original section.

LEGISLATIVE BILL 245. By Burrows, 30th District.

A BILL FOR AN ACT to amend sections 77-1734.01 and 77-1735, Reissue Revised Statutes of Nebraska, 1943, relating to collection of taxes; to provide a two-year statute of limitations on claims for refunds; and to repeal the original sections.

LEGISLATIVE BILL 246. By Keyes, 3rd District.

A BILL FOR AN ACT to amend sections 21-1773, 21-1786, 21-1790, and 21-1791, Revised Statutes Supplement, 1976, relating to credit unions; to change the maximum interest rate; to change the security requirement; to change certain procedures; and to repeal the original sections.

LEGISLATIVE BILL 247. By Kremer, 34th District.

A BILL FOR AN ACT relating to public health; to adopt the Nebraska Ground Water Protection Act; to amend section 46-602, Revised Statutes Supplement, 1976; to provide an operative date; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 248. By Committee on Public Works: Kremer, 34th District, Chairman; Mills, 44th District; Kelly, 35th District; Merz, 1st District; Moylan, 6th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 60-107, 60-1413, and 60-2303, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320, 60-1401.02, 60-1406, 60-1409, 60-1411.01, 60-1411.02, 60-1415, and 60-1417, Revised Statutes Supplement, 1976, relating to motor vehicles; to provide a time for destroying old records of vehicle title transfers; to change requirements for dealers' plates; to redefine terms; to increase license fees; to provide additional authority for the Nebraska Motor Vehicle Industry Licensing Board; to change certain provisions relating to motor vehicle sales; to require an odometer reading statement on certain motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 249. 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; to require a permit; to provide powers and duties of the Director of Water Resources; and to repeal the original sections.

LEGISLATIVE BILL 250. By Committee on Government, Military and Veterans Affairs: Chambers, 11th District; Simon, 31st District; Duis, 39th District; George, 16th District; Maxey, 46th District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 55-136, Reissue Revised Statutes of Nebraska, 1943, relating to the military code; to provide retirement procedures; and to repeal the original section.

LEGISLATIVE BILL 251. By Merz, 1st District.

A BILL FOR AN ACT relating to banking; to provide for the closing of certain accounts as prescribed.

EASE

The Legislature was at ease from 9:10 a.m. until 9:21 a.m.

ANNOUNCEMENTS

Mr. Duis announced the Administrative Rules and Regulations Committee elected Mr. Duis as Chairman and Mr. Bereuter as Vice Chairman.

Mr. Schmit announced the Agriculture and Environment Committee elected Mr. Burrows as Vice Chairman.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 38	Monday, January 24, 1977	10:00 a.m. - 2:00 p.m.
LB 39	Monday, January 24, 1977	10:00 a.m. - 2:00 p.m.
LB 40	Monday, January 24, 1977	10:00 a.m. - 2:00 p.m.
LB 41	Monday, January 24, 1977	10:00 a.m. - 2:00 p.m.
LB 38	Tuesday, January 25, 1977	10:00 a.m. - 2:00 p.m.
LB 39	Tuesday, January 25, 1977	10:00 a.m. - 2:00 p.m.
LB 40	Tuesday, January 25, 1977	10:00 a.m. - 2:00 p.m.
LB 41	Tuesday, January 25, 1977	10:00 a.m. - 2:00 p.m.
LB 38	Wednesday, January 26, 1977	10:00 a.m. - 2:00 p.m.
LB 39	Wednesday, January 26, 1977	10:00 a.m. - 2:00 p.m.
LB 40	Wednesday, January 26, 1977	10:00 a.m. - 2:00 p.m.
LB 41	Wednesday, January 26, 1977	10:00 a.m. - 2:00 p.m.

(Signed) Wally Barnett, Chairman

MR. MARVEL PRESIDING

BILLS ON FIRST READING

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

LEGISLATIVE BILL 252. By Mills, 44th District.

A BILL FOR AN ACT to adopt the Gas Utility Act; to provide for the regulation of gas utilities as prescribed; to amend sections 14-106, 15-266, 16-679, and 17-528.02, Reissue Revised Statutes of Nebraska, 1943, relating to cities; to change certain regulation provisions; to provide an operative date; and to repeal the original sections, and also sections 18-414 and 18-415, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 253. By Brennan, 9th District.

A BILL FOR AN ACT relating to workmen's compensation; to create the Uninsured Employers Fund; to provide for the source, administration, and expenditure of the fund; and to provide an operative date.

LEGISLATIVE BILL 254. By Carsten, 2nd District.

A BILL FOR AN ACT to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to remove the occupation tax on bottle clubs; and to repeal the original section.

LEGISLATIVE BILL 255. By Committee on Public Works: Kremer, 34th District, Chairman; Moylan, 6th District; Merz, 1st District; Kelly, 35th District; Mills, 44th District; R. Lewis, 38th District; Boughn, 21st District.

A BILL FOR AN ACT to amend section 46-626, Reissue Revised Statutes of Nebraska, 1943, and section 46-630, Revised Statutes Supplement, 1976, relating to conservation districts; to change the time when members of boards of directors are elected; to remove the requirement that rules and regulations be mailed to ground water users; and to repeal the original sections.

LEGISLATIVE BILL 256. By Committee on Public Works: Kremer, 34th District, Chairman; Mills, 44th District; Kelly, 35th District; Merz, 1st District; Moylan, 6th District; R. Lewis, 38th District; Boughn, 21st District.

A BILL FOR AN ACT relating to rules of the road; to enact speed limits as prescribed; to repeal section 39-662.03, Revised Statutes Supplement, 1975, and sections 39-662 and 39-666, Revised Statutes Supplement, 1976; and to declare an emergency.

LEGISLATIVE BILL 257. By Committee on Government, Military and Veterans Affairs, Rasmussen, 41st District, Chairman; Stoney, 4th District; Simon, 31st District; Chambers, 11th District; Duis, 39th District; Maxey, 46th District; Nichol, 48th District; George, 16th District; and at the request of the Governor.

A BILL FOR AN ACT relating to state agencies; to declare intent; to call for the termination of all prescribed agencies, commissions, and boards; to provide procedures and considerations for the continuation or reestablishment of agencies, commissions, and boards; to require a performance audit; and to provide for the continuation of pending claims.

LEGISLATIVE BILL 258. By Schmit, 23rd District.

A BILL FOR AN ACT to adopt the Nebraska Capital Expansion Act.

LEGISLATIVE BILL 259. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 8-403.03, 8-409, 8-410, 8-435, 8-439, and 8-446, Reissue Revised Statutes of Nebraska, 1943, relating to banks and banking; to change directors' qualifications; to change prohibited activities; 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 260. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Swigart, 8th District; Murphy, 17th District; Labedz, 5th District.

A BILL FOR AN ACT to amend section 44-380, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change provisions relating to insured property that is wholly destroyed as prescribed; and to repeal the original section.

LEGISLATIVE BILL 261. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Labedz, 5th District; Schmit, 23rd District; Swigart, 8th District; Merz, 1st District; Murphy, 17th District.

A BILL FOR AN ACT to amend section 44-1525, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to prescribe additional acts which are unfair practices; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 262. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Labedz, 5th District; Schmit, 23rd District; Swigart, 8th District; Merz, 1st District; Murphy, 17th 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.

LEGISLATIVE BILL 263. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Labedz, 5th District; Swigart, 8th District; Merz, 1st District; Murphy, 17th District.

A BILL FOR AN ACT to amend sections 8-1101, 8-1103, 8-1106, 8-1108, 8-1109, 8-1109.02, and 8-1111, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to change provisions of the Securities Act of Nebraska as prescribed; and to repeal the original sections, and also section 8-1109.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 264. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Labedz, 5th District; Schmit, 23rd District; Swigart, 8th District; Merz, 1st District; Murphy, 17th District.

A BILL FOR AN ACT to amend section 21-2014, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide that a corporation may limit or deny voting rights to certain classes of stock; and to repeal the original section.

LEGISLATIVE BILL 265. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Swigart, 8th District; Merz, 1st District, Labedz, 5th District; Murphy, 17th District.

A BILL FOR AN ACT relating to bonds of the state and of political subdivisions; to provide for use of facsimile signatures and seals with respect to the issuance of bonds, interest coupons, and other evidence of indebtedness; to provide for payment of certain expenses incurred in the issuance and sale of bonds, notes, or other evidence of indebtedness; to amend section 10-706, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original section.

LEGISLATIVE BILL 266. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Labedz, 5th District; Schmit, 23rd District; Mills, 44th District; Murphy, 17th District.

A BILL FOR AN ACT to amend sections 16-715 and 77-2320, Reissue Revised Statutes of Nebraska, 1943, relating to deposit and investment of public funds; to provide additional securities to qualify as collateral for public funds; and to repeal the original sections.

LEGISLATIVE BILL 267. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 31-727.03, Revised Statutes Supplement, 1976, relating to sanitary and improvement districts; to provide for the filing of statements as prescribed; to eliminate a requirement for furnishing prescribed information to prosepective purchasers; and to repeal the original section.

LEGISLATIVE BILL 268. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; DeCamp, 40th District; Burrows, 30th District; Hefner, 19th District; Venditte, 7th District; Kahle, 37th District; Maresh, 32nd District; Lamb, 43rd District.

A BILL FOR AN ACT to adopt the Nebraska Graded Egg Act; to provide severability; and to repeal sections 81-275.15 to 81-275.35, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 269. By Venditte, 7th District.

A BILL FOR AN ACT to amend section 28-4,125, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to increase the sentence for distribution of certain controlled substances; to increase penalties for possession of marijuana; and to repeal the original section.

LEGISLATIVE BILL 270. By F. Lewis, 45th District.

A BILL FOR AN ACT relating to revenue and taxation; to provide that the Tax Commissioner shall file a report with the Legislature of receipts credited to the General Fund and changes in the federal income tax laws as prescribed.

LEGISLATIVE BILL 271. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 24-342, Reissue Revised Statutes of Nebraska, 1943, relating to the district court; to increase certain fees the reporter is entitled to receive; and to repeal the original section.

LEGISLATIVE BILL 272. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 17-203.01, 19-621, 32-4,147, 32-505, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 79-426.19, 79-701, 79-706, and 79-1103, Revised Statutes Supplement, 1976, relating to elections; to provide for a September primary election; to provide an operative date; and to repeal the original sections, and also section 19-434, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 273. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 81-1108.36, Revised Statutes Supplement, 1976, relating to the Department of Administrative Services; to change provisions relating to the naming of state-owned or leased sites or structures as prescribed; and to repeal the original section.

LEGISLATIVE BILL 274. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 19-3404 and 19-3406, Reissue Revised Statutes of Nebraska, 1943, relating to downtown improvement and parking districts; to provide that general business license or occupation taxes may be used to enforce on-street parking regulations within districts; and to repeal the original sections.

LEGISLATIVE BILL 275. By Kelly, 35th District.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1976, relating to workmen's compensation; to increase the maximum rate of compensation; and to repeal the original sections.

LEGISLATIVE BILL 276. By Fowler, 27th District.

A BILL FOR AN ACT to amend section 28-4,115, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Controlled Substances Act; to define a term; to require corroboration of testimony of cooperating individuals; and to repeal the original section.

LEGISLATIVE BILL 277. By Dworak, 22nd District.

A BILL FOR AN ACT to amend sections 46-705 and 46-706, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Water Resources; to transfer powers and duties; to provide an operative date; and to repeal the original sections, and also sections 46-701 to 46-704 and 46-707, Reissue Revised Statutes of Nebraska, 1943.

NOTICE OF COMMITTEE HEARINGS
Education

LB 117	Monday, January 24, 1977	10:00 a.m.
LB 146	Monday, January 24, 1977	10:00 a.m.

(Signed) Frank Lewis, Chairman

ANNOUNCEMENT

Mr. Hasebroock announced your committee on Nebraska Retirement Systems gives notice that they will meet in Room 1019 at 12:00 Noon on Thursday, January 20, 1977 for purposes of organization.

Mr. Koch announced the Constitutional Revision and Recreation Committee will hold a brief meeting immediately following recess of the Legislature this morning.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 278. By Burrows, 30th District.

A BILL FOR AN ACT relating to rules of evidence; to allow polygraph examinations as evidence in certain cases.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
194	Gov. Mil. & Vets. Afrs.	209	Bkg. Comm. & Ins.
195	Urban Affairs	210	Misc. Subjects
196	Judiciary	211	Public Works
197	Agric. & Env.	212	Judiciary
198	Neb. Ret. Systems	213	Misc. Subjects
199	Bus. & Labor	214	Public Works
200	Agric. & Env.	215	Education
201	Gov. Mil. & Vets. Afrs.	216	Cons. Rev. & Rec.
202	Bkg. Comm. & Ins.	217	Public Works
203	Urban Affairs	218	Judiciary
204	Judiciary	219	Revenue
205	Education	220	Agric. & Env.
206	Pub. Hlth. & Wel.	221	Judiciary
207	Bkg. Comm. & Ins.	222	Gov. Mil. & Vets. Afrs.
208	Judiciary	223	Judiciary

LB	Committee	LB	Committee
224	Bkg. Comm. & Ins.	234	Cons. Rev. & Rec.
225	Bkg. Comm. & Ins.	235	Gov. Mil. & Vets. Afrs.
226	Urban Affairs	236	Public Works
227	Public Works	237	Misc. Subjects
228	Public Works	238	Urban Affairs
229	Gov. Mil. & Vets. Afrs.	239	Gov. Mil. & Vets. Afrs.
230	Public Works	240	Misc. Subjects
231	Misc. Subjects	241	Revenue
232	Gov. Mil. & Vets. Afrs.	242	Agric. & Env.
233	Gov. Mil. & Vets. Afrs.		

(Signed) Richard Marvel, Chairman

MOTION–Return LB 1

Mr. Maresh moved LB 1 be returned to the Reference Committee for referral to a committee.

The motion prevailed with 33 ayes, 0 nays, 15 present and not voting, and 1 absent and not voting.

ANNOUNCEMENTS

Mr. Marvel announced the Reference Committee will meet in room 2102 at 4:00 p.m. today.

UNANIMOUS CONSENT–Member Excused

Mr. F. Lewis asked unanimous consent to be excused Wednesday, Thursday, and Friday, January 19, 20, and 21. No objections. So ordered.

VISITORS

The President introduced Mrs. Leland Cantrell, Mr. & Mrs. Don Cantrell all from Merna, Nebraska.

ADJOURNMENT

At 9:43 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, January 19, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTH DAY–JANUARY 19, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 19, 1977

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by Reverend Lee Van Ham from Westminster Presbyterian Church, Lincoln, Nebraska.

> God, we dedicate ourselves anew to justice. Yet we also readily acknowledge that in many situations we are personally unsure of what would be just. So we bend our minds and hearts to learning justice so our commitment to it can be better informed.
>
> As we listen to concerns of people of this state, open our ears and hearts to their needs, yet also empower our minds and our intuitions to sort out self-interest that is benevolent and enables people, from self-interest that is narrow, selfish, and oppressive.
>
> In the process of this session of legislation, we pray that we may so study the issues, formulate the laws, interact with one another, the people, and the interest groups, so that the final votes, whether individually we voted with the majority or minority, will enable rather than impede justice and righteousness in our society.
>
> To that end we dedicate ourselves this day. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis and Newell who were excused and Messrs. Chambers, Koch, and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixth Day was approved.

ANNOUNCEMENTS

Mr. Rasmussen announced that the Government, Military and Veterans Affairs Committee has elected Mr. Stoney as their Vice-Chairman.

Mr. Hasebroock announced that the Nebraska Retirement Systems Committee has selected Senator Frank Lewis to serve as Vice-Chairman of the Committee.

Mr. Savage announced that the Transportation Advisory Committee has elected Mr. Nichol as their Vice-Chairman.

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 141	Wednesday, January 26, 1977	10:00 a.m.
LB 152	Wednesday, January 26, 1977	10:00 a.m.
LB 57	Wednesday, January 26, 1977	2:00 p.m.
LB 74	Wednesday, January 26, 1977	2:00 p.m.

(Signed) Walter George, Chairman

SELECT FILE

LEGISLATIVE BILL 2. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 3. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. Mr. Bereuter moved to return LB 4 to the Reference Committee for referral to a Committee.

The motion prevailed with 32 ayes, 0 nays, 12 present and not voting, and 5 absent and not voting.

LEGISLATIVE BILL 5. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 6. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 7. Bracketed at the request of Mr. Barnett.

LEGISLATIVE BILL 8. E & R amendments found in the Journal on page 191 for the Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 9. Advanced to E & R for Engrossment.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 279. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 9-401, Uniform Commercial Code, relating to secured transactions; to provide for filing duplicate documents to perfect a security interest with the Secretary of State; to authorize appropriations for costs of administering such duplicate filings; and to repeal the original section.

LEGISLATIVE BILL 280. By Committee on Constitutional Revision and Recreation: Koch, 12th District, Chairman; Reutzel, 15th District; Barnett, 26th District; Cullan, 49th District, Labedz, 5th District; Carsten, 2nd District, Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 37-204, Revised Statutes Supplement, 1976, relating to hunting and fishing permits; to provide for fishing permit fees on a reciprocal basis with other states; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 281. By Committee on Constitutional Revision and Recreation: Koch, 12th District, Chairman; Reutzel, 15th District; Barnett, 26th District; Cullan, 49th District; Labedz, 5th District; Carsten 2nd District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to game and fish; to regulate the use of fishing shelters as prescribed; and to provide penalties.

LEGISLATIVE BILL 282. By Committee on Constitutional Revision and Recreation: Koch, 12th District, Chairman; Reutzel, 15th District; Barnett, 26th District; Cullan, 49th District; Labedz, 5th District; Carsten, 2nd District; Fitzgerald, 14th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article V, sections 2 and 5, of the Constitution of Nebraska, relating to the Supreme Court; to provide for nine members on the Supreme Court; to provide for the selection of Supreme Court judges from Supreme Court districts as prescribed; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 283. By Committee on Judiciary: Nichol, 48th District; Reutzel, 15th District; Carsten, 2nd District; Cullan, 49th District; Stoney, 4th District.

A BILL FOR AN ACT to amend sections 25-1627, 25-1629, and 25-1631, Reissue Revised Statutes of Nebraska, 1943, relating to juries; to remove the requirement that jury lists be drawn in the presence of three judges; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 284. By Barnett, 26th District.

A BILL FOR AN ACT relating to marriage; to provide procedural requirements for the dissolution of certain marriages; to allow waiver of such requirements; and to specify the applicability of the act.

LEGISLATIVE BILL 285. By Committee on Revenue: Keyes, 3rd District, Chairman; Newell, 13th District; Dworak, 22nd District; Hefner, 19th District; Burrows, 30th District.

A BILL FOR AN ACT to amend section 77-207, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to change the rate of interest on delinquent taxes; and to repeal the original section.

LEGISLATIVE BILL 286. By Simon, 31st District.

A BILL FOR AN ACT to establish an employee suggestion system for state government; to authorize rules and regulations; to require the development of procedures; and to authorize the granting of awards.

LEGISLATIVE BILL 287. By Committee on Judiciary: Barnett, 26th District, Chairman; Cullan, 49th District; Stoney, 4th District; Venditte, 7th District; Nichol, 48th District; Carsten, 2nd District.

A BILL FOR AN ACT relating to divorce; to provide a separate court action to determine child custody.

LEGISLATIVE BILL 288. By Committee on Judiciary: Barnett, 26th District, Chairman; Nichol, 48th District; Carsten, 2nd District; Cullan, 49th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 42-108, Reissue Revised Statutes of Nebraska, 1943, relating to marriage; to provide that retired judges may perform marriage ceremonies; and to repeal the original section.

LEGISLATIVE BILL 289. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Labedz, 5th District; Merz, 1st District; Schmit, 23rd District; Mills, 44th District.

A BILL FOR AN ACT to adopt the Nebraska Equal Credit Opportunity Act; and to provide an operative date.

LEGISLATIVE BILL 290. By Committee on Banking, Commerce and Insurance: Labedz, 5th District; Swigart, 8th District; Merz, 1st District; Mills, 44th District; Schmit, 23rd District; Murphy, 17th District.

A BILL FOR AN ACT to amend section 1-117, Revised Statutes Supplement, 1976, relating to accountants; to change when an individual may receive a certificate as a certified public accountant; and to repeal the original section.

LEGISLATIVE BILL 291. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Mills, 44th District; Merz, 1st District; Schmit, 23rd District; Murphy, 17th District; Swigart, 8th District; Labedz, 5th District.

A BILL FOR AN ACT to amend sections 21-17,127, 21-17,128, 21-17,129, 21-17,131, 21-17,132, 21-17,133, 21-17,134, 21-17,135, 21-17,136, 21-17,137, 21-17,138, 21-17,139, 21-17,141, 21-17,142, 21-17,143, and 21-17,144, Revised Statutes Supplement, 1976, relating to the Nebraska Cooperative Credit Union Institution Guaranty Corporation Act; to rename such act as the Nebraska Depository Institution Guaranty Corporation Act; and to repeal the original sections.

LEGISLATIVE BILL 292. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 29-2204, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for the commitment of persons under eighteen years of age to the Nebraska Penal and Correctional Complex; and to repeal the original section, and also section 83-465, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 293. By Mills, 44th District, at the request of the Governor.

A BILL FOR AN ACT relating to alcoholism; to create a cash fund; to prescribe its name and purpose; to provide for deposits; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to increase the tax privilege; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 294. By Mills, 44th District, at the request of the Governor.

A BILL FOR AN ACT to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol; to place the attorneys under the Attorney General; and to repeal the original section.

LEGISLATIVE BILL 295. By Dworak, 22nd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VII, section 10, and to repeal Article VII, section 13, of the Constitution of Nebraska, relating to education; to provide that the general government of the University of Nebraska, the state colleges, the technical community colleges, and all other publicly-supported institutions of higher education shall be vested in a nine-member Board of Trustees for Higher Education; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 296. By Committee on Public Works: Kremer, 34th District, Chairman; R. Lewis, 38th District; Merz, 1st District; Moylan, 6th District; Mills, 44th District.

A BILL FOR AN ACT relating to water; to authorize interbasin transfer of ground and surface water; to provide procedures; to provide duties and responsibilities of the Director and Department of Water Resources; to create an advisory board; to provide fees; to create a fund; to provide for appeals; to amend sections 46-234, 46-235, 46-236, and 46-265, Reissue Revised Statutes of Nebraska, 1943; to provide for severability; and to repeal the original sections, and also section 46-206, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 297. By Committee on Public Works: Kremer, 34th District, Chairman; Kelly, 35th District; R. Lewis, 38th District; Merz, 1st District; Boughn, 21st District; Mills, 44th District; Moylan, 6th District; Swigart, 8th District.

A BILL FOR AN ACT to amend sections 37-422, 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 the state's consent; and to repeal the original sections.

LEGISLATIVE BILL 298. By Committee on Public Works: Kremer, 34th District, Chairman; Kelly, 35th District; Moylan, 6th District; Mills, 44th District; Boughn, 21st District; Merz, 1st District.

A BILL FOR AN ACT to adopt the Riparian Water Rights Registration Act; and to provide severability.

LEGISLATIVE BILL 299. By Committee on Public Works: Kremer, 34th District, Chairman; Mills, 44th District; Boughn, 21st District; Merz, 1st District; Moylan, 6th District; R. Lewis, 38th District.

A BILL FOR AN ACT relating to ground water ownership; to establish ownership; and to provide certain regulation of ownership as prescribed.

LEGISLATIVE BILL 300. By Committee on Public Works: Kremer, 34th District, Chairman; Mills, 44th District; Boughn, 21st District; Merz, 1st District; Moylan, 6th District; R. Lewis, 38th District.

A BILL FOR AN ACT relating to ground water ownership; to establish ownership; to provide restrictions on such ownership; and to authorize state control as prescribed.

LEGISLATIVE BILL 301. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 77-415, Reissue Revised Statutes of Nebraska, 1943, relating to county assessors; to provide who shall attend courses of training; and to repeal the original section.

LEGISLATIVE BILL 302. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-806, Revised Statutes Supplement, 1976, relating to the Court of Industrial Relations; to increase the per diem paid to judges; and to repeal the original section.

LEGISLATIVE BILL 303. By Schmit, 23rd District.

A BILL FOR AN ACT relating to corporations; to provide requirements for certain acquisition attempts; to define terms; to provide duties; to specify unlawful acts; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 304. By Keyes, 3rd District.

A BILL FOR AN ACT to amend section 23-1723, Reissue Revised Statutes of Nebraska, 1943, relating to county government; to specify membership for sheriff's office merit commissions for certain counties; and to repeal the original section.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
1	Urban Affairs	251	Bkg. Comm. & Ins.
243	Revenue	252	Public Works
244	Revenue	253	Bus. & Labor
245	Revenue	254	Misc. Subjects
246	Bkg. Comm. & Ins.	255	Public Works
247	Public Works	256	Public Works
248	Public Works	257	Gov. Mil. & Vets Afrs
249	Public Works	258	Bkg. Comm. & Ins.
250	Gov. Mil. & Vets Afrs	259	Bkg. Comm. & Ins.

LB	Committee	LB	Committee
260	Bkg. Comm. & Ins.	270	Revenue
261	Bkg. Comm. & Ins.	271	Judiciary
262	Bkg. Comm. & Ins.	272	Gov. Mil. & Vets Afrs
263	Bkg. Comm. & Ins.	273	Gov. Mil. & Vets Afrs
264	Bkg. Comm. & Ins.	274	Urban Affairs
265	Bkg. Comm. & Ins.	275	Bus. & Labor
266	Bkg. Comm. & Ins.	276	Judiciary
267	Public Works	277	Public Works
268	Agric. & Env.	278	Judiciary
269	Judiciary		

(Signed) Richard D. Marvel, Chairman

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 83	Thursday, January 27, 1977	10:00 a.m.
LB 132	Thursday, January 27, 1977	10:00 a.m.
LB 133	Thursday, January 27, 1977	10:00 a.m.
LB 191	Thursday, January 27, 1977	10:00 a.m.
LB 91	Friday, January 28, 1977	10:00 a.m.
LB 134	Friday, January 28, 1977	10:00 a.m.
LB 135	Friday, January 28, 1977	10:00 a.m.
LB 145	Friday, January 28, 1977	10:00 a.m.
LB 220	Friday, January 28, 1977	10:00 a.m.
LB 110	Thursday, February 3, 1977	1:30 p.m.
LB 155	Thursday, February 3, 1977	1:30 p.m.
LB 182	Thursday, February 3, 1977	1:30 p.m.
LB 189	Thursday, February 3, 1977	1:30 p.m.
LB 52	Friday, February 4, 1977	1:30 p.m.
LB 183	Friday, February 4, 1977	1:30 p.m.
LB 184	Friday, February 4, 1977	1:30 p.m.

(Signed) Loran Schmit, Chairman

Public Works

LB 211	Wednesday, January 26, 1977	10:00 a.m.
LB 256	Wednesday, January 26, 1977	10:00 a.m.

(Signed) Maurice A. Kremer, Chairman

Committee on Committees

The Committee on Committees will meet at 12:00 noon, Thursday, January 27, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

PAUL AMEN

2770 Woodscrest, Lincoln, Nebraska for reappointment to the Nebraska Arts Council.

BERRI BALKA

P. O. Box 94699, Lincoln, Nebraska, appointment as Director of Department of Insurance.

DORIS D. COLLINS

1060 So. 32nd St., Lincoln, Nebraska, appointment to the Board of Parole.

ELDIN EHRLICH

301 Centennial Mall So., 5th Floor, Lincoln, Nebraska, appointment as Director of Public Welfare.

ROBERT G. LUEDER

Suite 500, 11128 John Galt Blvd, Omaha, Nebraska, appointment to the Advisory Committee to Department of Economic Development.

EDWARD M. ROWLEY

1960 So. 53rd, Lincoln, Nebraska, reappointment to the Board of Parole.

(Signed) John S. Savage, Chairman
Committee on Committees

UNANIMOUS CONSENT—Co-introducer to LB 47

Mr. Warner asked unanimous consent to add his name as a co-introducer to LB 47. No objections. So ordered.

Mr. Murphy asked unanimous consent to withdraw his name as sponsor of LB 47. No objections. So ordered.

ANNOUNCEMENT

The Clerk announced the Legislative Audit Review Committee will meet under the North balcony at this time.

EASE

The Legislature was at ease from 9:23 a.m. until 9:34 a.m.

ANNOUNCEMENT

The Clerk announced the Legislative Audit Review Committee elected Mr. Warner as chairman.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 305. By Maxey, 46th District.

A BILL FOR AN ACT to amend sections 69-1302, 69-1303, 69-1304, 69-1310, 69-1311, 69-1312, 69-1317, and 69-1324, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Disposition of Unclaimed Property Act; to remove dollar limitations; to provide that property accompany reports; to change the contents of required notice; to provide for the deposit of funds in the Permanent School Fund; to restrict the availability of records; to regulate finders' fees; to increase penalties; and to repeal the original sections.

LEGISLATIVE BILL 306. By Maxey, 46th District.

A BILL FOR AN ACT relating to the handicapped; to create the Nebraska Commission for the Handicapped; to provide for its membership, operation, powers, and duties; to create a fund; to provide for deposits and purpose; and to declare an emergency.

LEGISLATIVE BILL 307. By Maxey, 46th District.

A BILL FOR AN ACT to amend section 71-1630.01, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to change the membership on a city-county health department; and to repeal the original section.

LEGISLATIVE BILL 308. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Lamb, 43rd District; Burrows, 30th District; Kahle, 37th District; Maresh, 32nd District; Hefner, 19th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 77-27,150, 77-27,151, 77-27,152, and 77-27,154, Revised Statutes Supplement, 1976, relating to the Water Pollution Control Tax Refund Act; to eliminate the Department of Health from any duties under such act; and to repeal the original sections.

LEGISLATIVE BILL 309. By Executive Board: Marvel, 33rd District, Chairman.

A BILL FOR AN ACT to adopt the Deferred Building Renewal Act; to provide for expiration; and to declare an emergency.

LEGISLATIVE BILL 310. By Bereuter, 24th District; Dworak, 22nd District; 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.

REPORT OF THE EXECUTIVE BOARD

January 18, 1977

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

The Legislative Council Executive Board at its January 18, 1977 meeting, made the following motions:

1. Motion was made and seconded that LB 130 be re-referred from the Judiciary Committee to the Committee on Agriculture and Environment. Motion carried by a unanimous vote of the Board.
2. A motion was made and seconded that LB 218 be re-referred from the Judiciary Committee to the Committee on Banking, Commerce and Insurance. Motion carried by a vote of 8 ayes and 1 no.

(Signed) Richard D. Marvel, Chairman
Legis. Council Executive Board

ADJOURNMENT

At 9:37 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Thursday, January 20, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTH DAY—JANUARY 20, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 20, 1977

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

PRAYER

The prayer was offered by Reverend Lee Van Ham from Westminster Presbyterian Church, Lincoln, Nebraska.

> God, we are people who have power - power of position and power within our own personhood. We have records of both rising and abusing our power.
>
> The shapes of power are so many - committee structures, position, coalition, experience, personal integrity, reputation, knowledge, prejudice, money - and many more, including some we probably don't even recognize.
>
> As each of us tries to arrange the components of power according to our convictions, either for or against various issues, we want to choose to act with integrity and openness.
>
> Because we disagree, we will compete for power. But may we also be eager to empower one another. May we respect power as a force that can destroy us as well as help us.
>
> We pray especially that we will not just seek power because our own ego needs require it. Rather, let the shapes of power be transformed into the shapes of love, justice, and righteousness for all.
>
> Thank you, God, for sharing with us the spirit of power, love, and self-responsibility. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Lewis who was excused, and Mr. Nichol who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventh Day was approved.

MESSAGES FROM THE GOVERNOR

January 14, 1977

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

Dear Mr. President and Senators:

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

C. R. Lambert, President, Mid-America Research Chemical Co., Box 458, Columbus - succeeds John T. Harris, resigned, term expiring June 22, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do
cc: C. R. Lambert
Committee on Committees
Environmental Control Council

January 17, 1977

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

Dear Mr. President and Senators:

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

Mrs. Madeline Coder, Wellfleet, Nebraska 69170 - succeeds June Popken, term expiring January 9, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

cc: Madeline Coder
Educational Television Commission

January 17, 1977

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

Dear Mr. President and Senators:

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

Marvin E. Jewell, 2465 Sewell, Lincoln
Howard L. Burdick, 2522 - 16th Street, Columbus

I respectfully submit these reappointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do
cc: Marvin E. Jewell
Howard L. Burdick
Director, Public Employee Retirement Systems

January 17, 1977

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 Power Review Board requiring legislative confirmation:

Richard R. Wood, 525 Stuart Bldg., Lincoln, for a term of 4 years ending January 1, 1981

Jack Lederman, 3314 5th Ave, Kearney, reappointment

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do
cc: Richard R. Wood
Jack Lederman
Power Review Board

ANNOUNCEMENT

Mr. Marvel announced the following members have been selected by the Executive Board for the Education Commission of the States: Mrs. Maxey, Messrs. Koch, F. Lewis, and Warner.

Mr. Marvel announced the Executive Board will meet in room 2102 at 4:00 p.m. today.

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 153	Thursday, February 3, 1977	1:30 p.m.
LB 216	Thursday, February 3, 1977	1:30 p.m.
LB 234	Friday, February 4, 1977	1:30 p.m.

(Signed) Jerry Koch, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 85. Placed on General File.
LEGISLATIVE BILL 116. Placed on General File.
LEGISLATIVE BILL 101. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
4	Misc. Subjects	295	Cons. Rev. & Rec.
279	Bkg. Comm. & Ins.	296	Public Works
280	Cons. Rev. & Rec.	297	Cons. Rev. & Rec.
281	Cons. Rev. & Rec.	298	Public Works
282	Cons. Rev. & Rec.	299	Public Works
283	Judiciary	300	Public Works
284	Judiciary	301	Revenue
285	Revenue	302	Bus. & Labor
286	Gov. Mil. & Vets. Afrs.	303	Bkg. Comm. & Ins.
287	Judiciary	304	Gov. Mil. & Vets. Afrs.
288	Judiciary	305	Bkg. Comm. & Ins.
289	Bkg. Comm. & Ins.	306	Pub. Hlth. & Wel.
290	Bkg. Comm. & Ins.	307	Pub. Hlth. & Wel.
291	Bkg. Comm. & Ins.	308	Agric. & Env.
292	Judiciary	309	Appropriations
293	Misc. Subjects	310	Misc. Subjects
294	Judiciary		

(Signed) R. D. Marvel, Chairman

ANNOUNCEMENT

Speaker Luedtke announced a meeting of all committee chairmen at 8:30 a.m., Friday, January 21, 1977 in Room 2102.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 311. By Committee on Public Health and Welfare: R. Lewis, 38th District, Chairman; Moylan, 6th District; Boughn, 21st District; Rasmussen, 41st District; Maresh, 32nd District; Brennan, 9th District, Kelly, 35th District.

A BILL FOR AN ACT to amend section 68-1004, Reissue Revised Statutes of Nebraska, 1943, and section 68-1005, Revised Statutes Supplement, 1976, relating to public welfare; to eliminate age requirements for the purpose of establishing eligibility for assistance to the blind or the disabled; and to repeal the original sections.

LEGISLATIVE BILL 312. By Committee on Public Health and Welfare: R. Lewis, 38th District, Chairman; Moylan, 6th District; Boughn, 21st District; Rasmussen, 41st District; Maresh, 32nd District; Brennan, 9th District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 43-515, 43-901, 43-902, 43-904, 43-905, 43-908, and 68-1008, Reissue Revised Statutes of Nebraska, 1943, and section 43-907, Revised Statutes Supplement, 1976, relating to public welfare; to eliminate issuance of certificates of award; to eliminate requirement for contracts; to clarify language; to remove maximum payment for foster care; to provide for management of funds owned by state wards; to provide for notification of actions taken; and to repeal the original sections, and also section 68-322.01, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 313. By Committee on Public Works: Kremer, 34th District, Chairman; Kelly, 35th District; Boughn, 21st District; Mills, 44th District; Merz, 1st District; Moylan, 6th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 46-204 and 46-613, Reissue Revised Statutes of Nebraska, 1943, relating to water; to change provisions relating to priority of appropriation and preference in the use of water; and to repeal the original sections.

LEGISLATIVE BILL 314. By Committee on Public Works: Kremer, 34th District, Chairman; Mills, 44th District; Merz, 1st District; Moylan, 6th District; Swigart, 8th District; Boughn, 21st District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 39-6,124, 39-6,133, 39-6,136, and 39-6,155, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320 and 60-407, Revised Statutes Supplement, 1976, relating to motor vehicles; to change provisions relating to equipment on motorcycles as prescribed; to change provisions relating to learners' permits of motorcycle operators; to provide provisions for an In Transit decal for motorcycles; and to repeal the original sections, and also section 60-403.05, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 315. By Rasmussen, 41st District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to transfer funds as prescribed; and to declare an emergency.

LEGISLATIVE BILL 316. By Marvel, 33rd District.

A BILL FOR AN ACT to amend section 39-1716, Reissue Revised Statutes of Nebraska, 1943, relating to highways; to revise procedures for establishment of access roads on isolated land; and to repeal the original section.

LEGISLATIVE BILL 317. By Mills, 44th District.

A BILL FOR AN ACT relating to the University of Nebraska; to provide for filling vacancies in the enrollment of the College of Medicine as prescribed.

LEGISLATIVE BILL 318. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1976, relating to taxation; to provide for continuation of the existing sales tax rate for certain situations.

LEGISLATIVE BILL 319. By Carsten, 2nd District.

A BILL FOR AN ACT to adopt the Municipal Sales and Use Tax Act; to provide an operative date; and to repeal sections 77-27,142, 77-27,143, and 77-27,145 to 77-27,148, Reissue Revised Statutes of Nebraska, 1943, and section 77-27,144, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 320. By Savage, 10th District.

A BILL FOR AN ACT relating to professional engineers and architects; to define terms; to provide legislative intent; and to provide procedures for contracting for architectural and engineering services.

LEGISLATIVE BILL 321. By Cope, 36th District.

A BILL FOR AN ACT for an act to adopt the Nebraska Jobs Creation Act.

LEGISLATIVE BILL 322. By Maresh, 32nd District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 18, of the Constitution of Nebraska, relating to special laws; to authorize the Legislature to enact laws to aid medically needy areas; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 323. By Mills, 44th 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 exempt from taxation or allow as a credit against tax the value or cost of solar energy systems; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 324. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 60-301 and 60-305.09, Revised Statutes Supplement, 1976, relating to motor vehicles; to define and redefine terms; to adopt provisions by reference; to reduce the period for record retention; to limit the time for assessment of deficiencies or claims for credit; to provide procedures for resolving disputes; to provide for pending matters; to repeal the original sections; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 3.

Introduced by Mills, 44th District.

WHEREAS, the energy needs of the United States and of the State of Nebraska are growing daily, making this nation and state increasingly dependent on foreign sources of fuel for energy production; and

WHEREAS, this dependency on foreign sources of fuel for energy production is placing a greater financial burden on this nation and state as consumers and upon each citizen as a consumer; and

WHEREAS, the Congress of the United States, recognizing that alternative sources of energy production must be promoted, has determined that a National Solar Energy Research Institute be established to further the development of solar energy as a means for relieving the growing energy shortage which faces our nation and has assigned responsibility for the creation of this institute to the Energy Research and Development Administration; and

WHEREAS, the people of the State of Nebraska, through their elected representatives have introduced and will discuss legislation giving preferential tax treatment to people and businesses utilizing solar energy systems; and

WHEREAS, solar energy development, although a limitless source of energy for the needs of all people, has received little attention.

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

1. That the Executive Board of the Legislative Council appoint a special interim study committee to study the various features and developments of solar energy, and review the market-ability of solar energy systems.

2. That this committee solicit the assistance of and work together with the Dean of the Architecture College, the Dean of the Engineering College, and all architects and engineers in this state who exhibit knowledge and understanding of the problems and potentials of solar energy.

3. That this committee hold public hearings for the purpose of obtaining a better understanding of the feasibility of solar energy as a source of heating and cooling residential and public buildings.

4. That this committee, with the advice and assistance of the Dean of the Architecture College and the Dean of the Engineering College, develop a program of education and examination to qualify architects and engineers to develop and promote efficient solar energy systems.

5. That this committee should investigate all reasonable avenues of interest and concern in the area of developing, promoting, and marketing solar energy systems for residential and public buildings.

6. That, at the next regular session of the Legislature, this committee make any recommendations for legislation which are deemed rational and necessary in the area of solar energy.

Referrred to the Executive Board.

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 119	Monday, January 31, 1977	2:00 p.m.
LB 206	Monday, January 31, 1977	2:00 p.m.

(Signed) Richard Lewis, Chairman

EASE

The Legislature was at ease from 9:15 a.m. until 9:29 a.m.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 12	Thursday, January 27, 1977	10:00 a.m.
LB 235	Thursday, January 27, 1977	1:30 p.m.
LB 28	Friday, January 28, 1977	10:00 a.m.
LB 257	Friday, January 28, 1977	1:30 p.m.
LB 136	Thursday, February 3, 1977	1:30 p.m.
LB 194	Thursday, February 3, 1977	1:30 p.m.
LB 250	Thursday, February 3, 1977	1:30 p.m.
LB 201	Friday, February 4, 1977	1:30 p.m.
LB 233	Friday, February 4, 1977	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Business and Labor

LB 275	Wednesday, January 26, 1977	10:00 a.m.

(Signed) Richard Maresh, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 325. By Boughn, 21st District.

A BILL FOR AN ACT to amend sections 71-3802, 71-3812, 71-3817, 71-3819, 71-3821, 71-3822, 71-3823, 71-3824, and 71-3829, Reissue Revised Statutes of Nebraska, 1943, and sections 71-3818 and 71-3820, Revised Statutes Supplement, 1976, relating to the practice of psychology; to provide for registration as a school psychologist or psychological assistant; to provide duties of the State Board of Examiners of Psychologists; to provide for supervision of psychological assistants and school psychologists; to provide for registration fees; to provide for suspension, revocation, or restoration of registrations as prescribed; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 326. By Newell, 13th District.

A BILL FOR AN ACT relating to election campaigns; to provide an expenditure limitation.

LEGISLATIVE BILL 327. By Newell, 13th District.

A BILL FOR AN ACT to amend section 77-2715.01, Revised Statutes Supplement, 1976, relating to sales and income tax; to eliminate the requirement that sales and use taxes levied shall as nearly as possible equal income taxes levied; and to repeal the original section.

LEGISLATIVE BILL 328. By Maxey, 46th District.

A BILL FOR AN ACT relating to employment; to authorize deferred compensation plans for public employees as prescribed; and to declare an emergency.

LEGISLATIVE BILL 329. By Maxey, 46th District.

A BILL FOR AN ACT to establish Martin Luther King, Jr. Day; to urge observation of such day; and to authorize the dissemination of information concerning such day.

LEGISLATIVE BILL 330. By Committee on Judiciary: Barnett, 26th District, Chairman; Cullan, 49th District; Venditte, 7th District; Reutzel, 15th District; Stoney, 4th District.

A BILL FOR AN ACT to amend sections 81-1428 and 81-1429, Revised Statutes Supplement, 1976, relating to the Law Enforcement Improvement Fund; to increase the amount of fees to be placed therein; to provide for the establishment of the Office of Prosecutor Services; to prescribe duties; and to repeal the original sections.

LEGISLATIVE BILL 331. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Labedz, 5th District; Murphy, 17th District; Mills, 44th District.

A BILL FOR AN ACT relating to insurance; to require motor vehicle liability coverage as prescribed; to provide procedures; to provide penalties; and to provide an operative date.

LEGISLATIVE BILL 332. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Swigart, 8th District; Labedz, 5th District; Mills, 44th District; Murphy, 17th District.

A BILL FOR AN ACT relating to motor carriers; to require liability insurance of transporters of hazardous materials; to make certain acts unlawful; and to provide penalties.

LEGISLATIVE BILL 333. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Swigart, 8th District; Duis, 39th District; Mills, 44th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 44-114, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to increase fees and charges for certain services; to add additional fees for services; and to repeal the original section.

LEGISLATIVE BILL 334. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Swigart, 8th District; Duis, 39th District; Mills, 44th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 44-341, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an annual expiration date for nonresident agents' licenses; to permit the Director of Insurance to enter into reciprocal agent licensing agreements; and to repeal the original section.

LEGISLATIVE BILL 335. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Swigart, 8th District; Duis, 39th District; Mills, 44th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 44-333.01, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an additional exemption from the requirement of licensure examination; and to repeal the original section.

LEGISLATIVE BILL 336. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Murphy, 17th District; Labedz, 5th District; Swigart, 8th District; Duis, 39th District; Mills, 44th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT relating to insurance; to provide for the licensing of nonresident brokers; to provide an annual expiration date for nonresident brokers' licenses; and to permit reciprocal broker licensing agreements.

ANNOUNCEMENT

Mr. George announced a meeting of the Urban Affairs Committee under the North balcony immediately after adjournment this morning.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 337. By Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1976, relating to labor; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

LEGISLATIVE BILL 338. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Labedz, 5th District; Merz, 1st District; Swigart, 8th District.

A BILL FOR AN ACT relating to banking; to define terms; to authorize transfer of trust business from one trust company to another; and to declare an emergency.

ADJOURNMENT

At 9:38 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Friday, January 21, 1977.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINTH DAY–JANUARY 21, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 21, 1977

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

PRAYER

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. F. Lewis and Moylan who were excused.

CORRECTION FOR THE JOURNAL

The Journal for the Eighth Day was approved.

COMMUNICATION

Department of Revenue

January 17, 1977

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

Dear Mr. President:

Pursuant to LB 684, Eighty-fourth Legislature, Second Session, I am

hereby certifying to the members of the Legislature the amounts to be distributed to the counties for purposes of refunding technical community college taxes collected unlawfully. This revenue is necessary to reimburse property owners entitled to a refund or refunds of taxes collected and distributed to technical community colleges, pursuant to Section 79-2626, R.S.Supp., 1974. This statute was declared unconstitutional in the case of State ex. rel. Western Nebraska Technical Community College Area v. Tallon, 192 Neb. 201, 219 N.W.2d 454 (1974).

These amounts were certified to me by the county assessor and county treasurer of each county.

If you have any questions, please contact me.

Sincerely,

(Signed) William E. Peters
State Tax Commissioner

Enclosure
cc: Mr. Stan Matzke

TECHNICAL COMMUNITY COLLEGE REFUND
Total Needed to Complete Refund
January 7, 1977

County	Total State Reimbursement	County	Total State Reimbursement
Adams	$ 69,752.09	Howard	$ 21,461.88
Antelope	31,967.19	Jefferson	26,531.03
Arthur	5,677.92	Johnson	8,379.68
Banner	.00	Kearney	35,890.89
Blaine	5,807.77	Keith	27,330.93
Boone	6,738.09	Keya Paha	.00
Box Butte	31,387.86	Kimball	.00
Boyd	7,557.57	Knox	35,315.57
Brown	.00	Lancaster	318,608.85
Buffalo	72,929.04	Lincoln	73,332.56
Burt	42,594.17	Logan	5,567.80
Butler	39,147.49	Loup	5,900.00
Cass	25,967.20	Madison	56,595.63
Cedar	27,336.87	McPherson	3,078.94
Chase	21,530.66	Merrick	45,541.37
Cherry	44,330.53	Morrill	.00
Cheyenne	.00	Nance	16,525.31
Clay	28,918.19	Nemaha	29,565.84
Colfax	27,025.40	Nuckolls	22,540.85
Cuming	44,655.46	Otoe	47,379.61
Custer	56,730.17	Pawnee	7,217.04
Cakota	25,672.74	Perkins	16,254.16
Dawes	21,662.35	Phelps	49,377.71
Dawson	83,705.38	Pierce	27,834.26
Deuel	.00	Platte	67,373.28

Dixon	19,030.02	Polk	33,476.43
Dodge	82,024.23	Red Willow	34,469.21
Douglas	754,808.75	Richardson	33,158.71
Dundy	.00	Rock	9,247.61
Fillmore	36,145.38	Saline	39,754.55
Franklin	19,147.30	Sarpy	109,886.45
Frontier	12,824.35	Saunders	54,444.42
Furnas	24,333.35	Scotts Bluff	82,496.79
Gage	72,157.50	Seward	44,812.44
Garden	13,973.96	Sheridan	32,567.08
Garfield	2,869.35	Sherman	13,256.70
Gosper	13,987.68	Sioux	19,008.31
Grant	8,260.22	Stanton	23,529.06
Greeley	14,127.55	Thayer	26,666.06
Hall	95,407.04	Thomas	4,341.95
Hamilton	36,994.50	Thurston	18,045.66
Harlan	14,198.43	Valley	15,095.20
Hayes	7,385.77	Washington	40,368.30
Hitchcock	16,838.86	Wayne	21,210.76
Holt	44,726.27	Webster	17,577.73
Hooker	5,551.42	Wheeler	6,575.92
		York	44,901.97
		TOTAL	$3,688,380.57

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 20, 1977. 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
Baburek, Robert B. – Omaha, Fleet Reserve Association, Omaha Branch 276
Cariotto, Joseph J. – Lincoln, Nebraska Pharmaceutical Association; Nebraska Podiatry Association
Clarence, Richard E. – Lincoln, Nebraska State Utility Workers Conference
Cromer, Dr. Chalmers A. – Lincoln, Nebraska State Advisory Council for Vocational Education
Crosby, Robert B. – Lincoln, First Federal Savings & Loan Association of Lincoln
The Law Firm of Crosby, Guenzel, Davis, Kessner & Kuester:
Crosby, Robert B. – Lincoln, Better Nebraska Association; Energy

Transportation Systems, Inc.; Lower Platte South NRD; Nebraska Association of Industrial Loan and Investment Companies; Northwestern Mutual Life Insurance Company

Davis, Donn E. – Lincoln, Energy Transportation Systems, Inc.

Guenzel, Robert C. – Lincoln, Nebraska Cooperative Council; Railroad Transportation Safety District

Kessner, Theodore L. – Lincoln, Police Officers Association of Nebraska

McGuire, Mark D. – Lincoln, Police Officers Association of Nebraska

Sedgwick, James L. – Lincoln, Northwestern Mutual Life Insurance Company

Dickinson, James A. – Omaha, Nebraskans for Progressive Agriculture

Dunn, David A. – Bellevue, Bellevue Public Schools

Hamon, Esther M. – Lincoln, Lincoln Gray Panthers

Herbener, Lloyd W. – Lincoln, Nebraska Republican Party

Humpal, John E. – Omaha, Nebraska Medical Association

Lohr, Allen R. – Omaha, Citizen Lobbyist (represents self)

Murphy, Lawrence E. – Lincoln, Nebraska Chiropractic Physicians Association; Nebraska Hearing Aid Association.

Noren, Charles F. – Lincoln, Nebraska Association of Technical Community Colleges; Nebraska Association of Trial Attorneys

Owen, Randall W. – Omaha, Eastern Nebraska Heavy Contractors Association

Piester, David L. – Lincoln, Legal Aid Society of Lincoln, Inc.

Ryan, James E. – Lincoln, Committee to Name The Nebraska Sports Center; Holland Dreves Reilly, Inc.; Nebraska Association of Tobacco Distributors

Schellpeper, William L. - Lincoln, Nebraska Medical Association

Stuve, Gregory K. – Omaha, City of Omaha

Tews, David D. – Lincoln, Nebraska Academy of Ophthalmology; Nebraska Securities Industries Association; Omaha Public Power District

Young, Malcolm D. – Omaha, Eastern Nebraska Heavy Contractors Association

Young, Marguerite – Lincoln, League of Women Voters of Nebraska

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 122 Friday, January 28, 1977	10:00 a.m.
LB 28 (cancelled) Friday, January 28, 1977	10:00 a.m.

(Signed) Dennis Rasmussen, Chairman

COMMITTEE ON COMMITTEES

The Committee on Committees will meet at 12:00 noon, Friday, January 28, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

JOE J. HUCKFELDT
Gering, Nebraska, appointment to the State Highway Commission.

BEN MECKEL
280 North 8th, Burwell, Nebraska, appointment to the State Highway Commission.

DONALD McGINLEY
401 East A, Ogallala, Nebraska 69153, appointment to the Court of Industrial Relations.

WARD REESMAN
15th & Appleoff St., Falls City, Nebraska, reappointment to the Board of Trustees, Nebraska State Colleges.

PAUL A. SARNECKI
1047 South St., Lincoln, Nebraska, appointment as State Fire Marshal.

ROBERT WALKER
15 Hillcrest Dr., Kearney, Nebraska, reappointment to the Board of Trustees, Nebraska State Colleges.

(Signed) John S. Savage, Chairman
Committee on Committees

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 82. Placed on General File.

(Signed) Jerome Warner, Chairman

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet under the North balcony immediately after adjournment today.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
311	Pub. Hlth. & Wel.	325	Pub. Hlth. & Wel.
312	Pub. Hlth. & Wel.	326	Misc. Subjects
313	Public Works	327	Revenue
314	Public Works	328	Neb. Ret. Systems
315	Gov. Mil. & Vets. Afrs.	329	Misc. Subjects
316	Public Works	330	Judiciary
317	Pub. Hlth. & Wel.	331	Bkg. Comm. & Ins.
318	Revenue	332	Bkg. Comm. & Ins.
319	Revenue	333	Bkg. Comm. & Ins.
320	Gov. Mil. & Vets. Afrs.	334	Bkg. Comm. & Ins.
321	Bus. & Labor	335	Bkg. Comm. & Ins.
322	Cons. Rev. & Rec.	336	Bkg. Comm. & Ins.
323	Cons. Rev. & Rec.	337	Bus. & Labor
324	Public Works	338	Bkg. Comm. & Ins.

(Signed) Richard D. Marvel, Chairman

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 237	Thursday, January 27, 1977	2:00 p.m.
LB 254	Thursday, January 27, 1977	2:00 p.m.
LB 231	Thursday, January 27, 1977	2:00 p.m.
LB 176	Friday, January 28, 1977	2:00 p.m.

(Signed) Donald N. Dworak, Chairman

ANNOUNCEMENT

Speaker Luedtke announced there will be one more week of 10:00 a.m. public hearings.

MOTION–Return LB 2 to Select File

Mr. Hasebroock moved to return LB 2 to Select File.

The motion prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 absent and not voting.

MOTION—Return LB 2 to Reference Committee

Mr. Hasebroock moved to return LB 2 to the Reference Committee for referral to a committee.

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 absent and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 339. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 23-922, Reissue Revised Statutes of Nebraska, 1943, and section 79-2650, Revised Statutes Supplement, 1976, relating to technical community colleges; to eliminate the Technical Community College Board of Governors' power to certify a mill levy for operating expenditures; to harmonize provisions; to prevent the use of a levy for new capital construction; to repeal the original sections, and also section 79-2649, Revised Statutes Supplement, 1976; and to declare an emergency.

LEGISLATIVE BILL 340. By Cope, 36th District.

A BILL FOR AN ACT to amend section 19-709, Reissue Revised Statutes of Nebraska, 1943, relating to particular classes of cities and villages; to restrict eminent domain powers of first and second-class cities and villages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 341. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT relating to retirement; to provide procedures for state school officials to become members of the State Employees Retirement System; to amend section 79-1510, Revised Statutes Supplement, 1976; and to repeal the original section.

LEGISLATIVE BILL 342. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 15-1005, 16-330, 16-334, and 16-336, Reissue Revised Statutes of Nebraska, 1943, and sections 15-1001, 15-1007, 35-201, 35-203.01, and 35-206, Revised Statutes Supplement, 1976, relating to retirement; to change requirements of eligibility for pension and retirement benefits for public safety employees as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 343. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 23-2305, 23-2307, and 23-2317, Reissue Revised Statutes of Nebraska, 1943, relating to public employees retirement; to provide for employee contributions not to exceed four and one half per cent of salary; to revise requirements for lump sum settlements; and to repeal the original sections.

LEGISLATIVE BILL 344. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 24-703, 24-703.01, 24-707, and 24-710, Reissue Revised Statutes of Nebraska, 1943, relating to judges retirement; to permit original members who have not retired to elect an alternative contribution rate and retirement benefits; and to repeal the original sections.

LEGISLATIVE BILL 345. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend section 35-201, Revised Statutes Supplement, 1976, relating to firemen pensions; to define terms; and to repeal the original section.

LEGISLATIVE BILL 346. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT relating to county hospitals and related facilities; to provide for the establishment and funding of a retirement plan as prescribed; and to declare an emergency.

LEGISLATIVE BILL 347. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend section 60-452.01, Revised Statutes Supplement, 1976, relating to the Nebraska State Patrol; to provide a cost-of-living increase for retired patrolmen; to change the computation of annuities; and to repeal the original section.

LEGISLATIVE BILL 348. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 84-1308 and 84-1312, Reissue Revised Statutes of Nebraska, 1943, and sections 84-1307 and 84-1317, Revised Statutes Supplement, 1976, relating to the State Employees Retirement Act; to change membership provisions of the retirement system; to change the percentage of contribution; to change prior service benefit provisions; to change retirement date eligibilities; to provide retirement benefits on a formula basis; and to repeal the original sections.

LEGISLATIVE BILL 349. By Committee on Nebraska Retirement Systems: Hasebroock, 18th District, Chairman; Fowler, 27th District; Warner, 25th District; Goodrich, 20th District; Mills, 44th District.

A BILL FOR AN ACT to amend section 79-1509, Revised Statutes Supplement, 1976, relating to the school retirement system; to provide that certain school employees shall have the option to become participants in the retirement system; and to repeal the original section.

LEGISLATIVE BILL 350. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 77-202.23 and 77-202.24, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to exempt additional individuals from certain classes of personal property taxation; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 351. By Committee on Revenue: Keyes, 3rd District, Chairman; Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Clark, 47th District.

A BILL FOR AN ACT to amend sections 9-104, 9-106, 9-114, 9-116, 9-117, and 9-120, Reissue Revised Statutes of Nebraska, 1943, and section 9-103, Revised Statutes Supplement, 1976, relating to bingo; to authorize the issuance of licenses to counties; to change the required contents of an application for a license; to prohibit a licensee from paying compensation;

to remove the limit on prizes offered; to remove the required form for filing a return; to require the filing of returns as prescribed; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 352. By Committee on Revenue: Keyes, 3rd District; Chairman; Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Clark, 7th District.

A BILL FOR AN ACT to amend sections 77-422 and 77-423, Reissue Revised Statutes of Nebraska, 1943, relating to county assessors; to provide qualification requirements for persons seeking to become assessors; and to repeal the original sections.

LEGISLATIVE BILL 353. By Committee on Revenue: Keyes, 3rd District; Chairman; Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Hefner, 19th District.

A BILL FOR AN ACT relating to revenue and taxation; to repeal the Mechanical Amusement Device Tax Act; to amend section 77-2703, Revised Statutes Supplement, 1976; to provide for a tax upon the gross receipts from mechanical amusement or musical devices; and to repeal the original sections, and also sections 77-3001 to 77-3011, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 354. By Committee on Revenue: Keyes, 3rd District, Chairman; Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 77-801, Reissue Revised Statutes of Nebraska, 1943, relating to franchise taxes; to provide that corporations or persons engaged in community antenna television service shall be subject to franchise tax; and to repeal the original section.

LEGISLATIVE BILL 355. By Committee on Revenue: Keyes, 3rd District, Chairman: Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Hefner, 19th District.

A BILL FOR AN ACT to amend section 77-2753, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to eliminate an exception to the withholding of taxes from wages as prescribed; and to repeal the original section.

LEGISLATIVE BILL 356. By Committee on Revenue: Keyes, 3rd District, Chairman: Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Clark, 47th District.

A BILL FOR AN ACT to amend sections 77-1343 and 77-1344, Revised Statutes Supplement, 1976, relating to assessment of property; to redefine

terms; to remove references to agricultural use zones; and to repeal the original sections.

LEGISLATIVE BILL 357. By Committee on Revenue: Keyes, 3rd District, Chairman: Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Clark, 47th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1976, relating to taxation; to exempt certain facilities from the imposition of sales and use taxes; to provide for the payment of taxes for tangible personal property in certain construction situations as prescribed; and to repeal the original section.

LEGISLATIVE BILL 358. By Committee on Revenue: Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Hefner, 19th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 66-605.01, Reissue Revised Statutes of Nebraska, 1943, and section 66-407, Revised Statutes Supplement, 1976, relating to fuels; to reduce the amount of commission which may be withheld by dealers; and to repeal the original sections.

LEGISLATIVE BILL 359. By Revenue Committee: Burrows, 30th District; Dworak, 22nd District; Newell, 13th District; Hefner, 19th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 77-2608, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to authorize a commission for the affixing and cancelling of revenue stamps; to compute such commission; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 360. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 77-1259, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to provide that the proceeds from the excise tax on grain and seed shall be credited to the county general fund; and to repeal the original section.

LEGISLATIVE BILL 361. By Duis, 39th District.

A BILL FOR AN ACT to amend sections 81-885.01, 81-885.06, 81-885.07, 81-885.11 to 81-885.14, 81-885.21, 81-885.22, 81-885.24, 81-885.34, and 81-885.45, Revised Statutes Supplement, 1976, relating to real estate; to redefine a term; to specify the term of an appointed board member; to change certain licensing requirements; to change certain business procedures; and to repeal the original sections, and also sections 81-885.16 and 81-885.32, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 362. By Warner, 25th District.

A BILL FOR AN ACT to amend section 53-118, Reissue Revised Statutes of Nebraska, 1943, relating to alcoholic liquors; to eliminate a restriction; to provide for conversion to the metric system in the bottling and labeling of wine and spirits; to delete labeling requirements; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 363. By Warner, 25th District.

A BILL FOR AN ACT to amend section 23-107, Revised Statutes Supplement, 1976, relating to counties; to remove the requirement that the county board obtain voter approval to sell and convey certain real property, as prescribed; and to repeal the original section, and also section 23-118, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 364. By Committee on Appropriations: Warner, 25th District, Chairman; Marsh, 29th District; Savage, 10th District; Hasebroock, 18th District; Fowler, 27th District; Cope, 36th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend section 72-1249, Revised Statutes Supplement, 1976, relating to the state investment officer; to eliminate a cash fund; and to repeal the original section, and also section 72-1249.01, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 365. By Committee on Appropriations: Warner, 25th District, Chairman; Marsh, 29th District; Hasebroock, 18th District; Rumery, 42nd District; Fowler, 27th District; Cope, 36th District.

A BILL FOR AN ACT relating to state boards and commissions; to provide that members of the Nebraska Commission on the Status of Women and members of the State Personnel Board shall receive actual expenses; and to declare an emergency.

LEGISLATIVE BILL 366. By Murphy, 17th District.

A BILL FOR AN ACT to amend sections 44-127.01 to 44-127.03, 44-129, 44-2406, 44-2407, and 44-2410, Reissue Revised Statutes of Nebraska, 1943, and section 44-2403, Revised Statutes Supplement, 1976, relating to insurance; to change procedures relating to liquidation and insolvency as prescribed; to redefine terms; and to repeal the original sections, and also section 44-127.12, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 367. By Fowler, 27th District.

A BILL FOR AN ACT to provide legal services for persons unable to afford representation; to declare intent; to define terms; to create the Nebraska Legal Services Commission; to provide for membership; to confer powers and duties; to provide procedures for granting legal services; to create the Nebraska Legal Services Fund; to provide funding procedures; and to provide severability.

LEGISLATIVE BILL 368. By Clark, 47th District.

A BILL FOR AN ACT to amend section 79-1254.02, Revised Statutes Supplement, 1976, relating to schools; to exempt state colleges and the university from certain teacher contract renewal provisions; and to repeal the original section.

LEGISLATIVE BILL 369. By Kelly, 35th District.

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

LEGISLATIVE BILL 370. By Simon, 31st District.

A BILL FOR AN ACT to adopt the Nebraska Public Utilities Information Act.

LEGISLATIVE BILL 371. By Kahle, 37th District.

A BILL FOR AN ACT relating to environmental control; to provide certain requirements for the operation of certain engines; to provide a duty; to provide a penalty; and to provide an operative date.

LEGISLATIVE BILL 372. By Kelly, 35th District.

A BILL FOR AN ACT to amend section 71-1901, Reissue Revised Statutes of Nebraska, 1943, relating to board and care of children; to redefine child care; and to repeal the original section.

LEGISLATIVE BILL 373. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 45-335, Reissue Revised Statutes of Nebraska, 1943, relating to installment sales; to redefine terms; to provide exemptions from the installment limitation in certain sales; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 374. By Cullan, 49th District.

A BILL FOR AN ACT to amend section 19-3903, Revised Statutes Supplement, 1976, relating to public transportation; to redefine terms; and to repeal the original section.

LEGISLATIVE BILL 375. By Boughn, 21st District.

A BILL FOR AN ACT relating to schools; to provide rights of employees of school districts whose employement has been terminated; to provide procedures; to allow the retention of certain employee benefits; and to declare an emergency.

LEGISLATIVE BILL 376. By Rumery, 42nd District.

A BILL FOR AN ACT relating to specific conveyances; to provide for the transfer of the Wild West Arena real and personal property as prescribed; to provide for the recognition of certain lease obligations; to provide a committee; to provide duties of the Department of Economic Development and the Game and Parks Commission; and to declare an emergency.

LEGISLATIVE BILL 377. By Schmit, 23rd District.

A BILL FOR AN ACT relating to electric power; to provide for the payment of charges; and to provide for settlement of disputes over charges made to its customers by a wholesale supplier of electric power as prescribed.

LEGISLATIVE BILL 378. By Rumery, 42nd District.

A BILL FOR AN ACT to amend section 79-1701, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to exempt private, denominational, and parochial schools from laws applicable to public schools; to provide an exception; to require certain standards to be met by such schools; to provide procedures and right of appeal; and to repeal the original section, and also sections 79-1702, 79-1703, 79-1706, and 79-1707, Reissue Revised Statutes of Nebraska, 1943, and section 79-1705, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 379. By Burrows, 30th District.

A BILL FOR AN ACT relating to telephones; to provide for extended area service; to define terms; and to provide considerations for establishing rate structures.

LEGISLATIVE BILL 380. By Burrows, 30th District.

A BILL FOR AN ACT to amend sections 71-3823 and 71-3829, Reissue Revised Statutes of Nebraska, 1943, and section 71-3818, Revised Statutes Supplement, 1976, relating to the practice of psychology; to provide for certification to practice clinical psychology as prescribed; to provide duties of the board; to provide for fees; to provide for appeal from actions of the board; to provide penalties; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 381. By Newell, 13th District.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 382. By Newell, 13th District.

A BILL FOR AN ACT relating to taxation; to provide for an income tax checkoff for political parties; to create the Nebraska Election Campaign Fund; to provide for the administration of the fund; and to prescribe duties.

MOTION – Withdraw LB 318

Mr. Rumery moved to withdraw LB 318. Motion pending.

GENERAL FILE

LEGISLATIVE BILL 85. Title read. Considered.

Advanced to E & R for Review with 36 ayes, 2 nays, 9 present and not voting and 2 absent and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays, 10 present and not voting and 2 absent and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 4.

Introduced by Labedz, 5th District.

WHEREAS, the Legislature has taken the position that there should be protection for the life of the unborn child whenever possible; and

WHEREAS, the Legislature expressly deplores the destruction of unborn human lives which has and will occur in Nebraska and throughout the United States; and

WHEREAS, the Governor of this state has proclaimed the week of January seventeenth through the twenty-second of this year of nineteen hundred and seventy-seven, as RESPECT FOR ALL HUMAN LIFE WEEK; and

WHEREAS, there is a pitiful lack of legal protection for the right to life of the unborn child in Nebraska and throughout the United States as a result of the United States Supreme Court decision of January 22, 1973.

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

1. That the Legislature of the State of Nebraska hereby request the Congress of the United States to hold hearings on proposed amendments to the Constitution of the United States protecting the right to life of the unborn child.

2. That Congress be urged to submit the best such proposed amendment protecting the right to life of the unborn child to the legislatures of the several states for the purposes of ratification.

3. That such hearings and submission of the proposed amendment to the legislatures of the several states for the purposes of ratification.

4. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached to 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 Speaker of the House of Representatives of the Congress of the United States.

Laid over.

POINT OF PERSONAL PRIVILEGE

Mr. Chambers requested a point of personal privilege on the policy by the Executive Board on the hiring of relatives. Mr. Marvel discussed the policy with the members.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 383. By Koch, 12th District.

A BILL FOR AN ACT to amend section 80-401, Revised Statutes Supplement, 1976, relating to the Nebraska Veterans' Aid Fund; to increase such fund to eleven million dollars; to provide for appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 384. By Koch, 12th District.

A BILL FOR AN ACT relating to corporations and associations; to provide for conditions upon which disclosure of confidential information be made; and to declare an emergency.

LEGISLATIVE BILL 385. By DeCamp, 40th District.

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

LEGISLATIVE BILL 386. By DeCamp, 40th District.

A BILL FOR AN ACT to amend sections 53-102, 53-160.08, and 53-168, Reissue Revised Statutes of Nebraska, 1943, and sections 53-132, 53-133, and 53-179, Revised Statutes Supplement, 1976, relating to liquor; to change certain prohibitions; to change certain licensing provisions; and to repeal the original sections.

LEGISLATIVE BILL 387. By Committee on Banking, Commerce and Insurance: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Labedz, 5th District; Swigart, 8th District.

A BILL FOR AN ACT to amend sections 71-1333 and 71-1342, Reissue Revised Statutes of Nebraska, 1943, relating to public health and welfare; to redefine what constitutes unprofessional conduct by funeral directors; to revise requirements for funeral directors' trust funds; and to repeal the original sections.

LEGISLATIVE BILL 388. By Maxey, 46th District.

A BILL FOR AN ACT to amend section 12-101, Reissue Revised Statutes of Nebraska, 1943, relating to Wyuka Cemetery; to provide additional powers for the board of trustees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 389. By Maxey, 46th District.

A BILL FOR AN ACT to adopt the Nebraska Equal Opportunity for Displaced Homemakers Act.

LEGISLATIVE BILL 390. By Committee on Agriculture and Environment: Schmit, 23rd District, Chairman; Burrows, 30th District; Maresh, 32nd District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 2-2311, Reissue Revised Statutes of Nebraska, 1943, relating to wheat development; to change the excise tax provisions as prescribed; and to repeal the original section.

ADJOURNMENT

At 9:48 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Monday, January 24, 1977.

Vincent D. Brown
Clerk of the Legislature

TENTH DAY–JANUARY 24, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 24, 1977

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert B. Ohman from Westminster Presbyterian Church, Lincoln, Nebraska.

> Father, give to the members of this body a moment of quiet before they take up their duties for this day. Turn their thoughts to you, and open their hearts to your spirit, that they may have wisdom in their decisions, understanding in their thinking, love in their attitudes and mercy in their judgements. Let them not think, when this prayer is said, that their dependence upon You is over, and forget You the rest of the day.
>
> So help us all this day, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the Ninth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Fitzgerald asked unanimous consent to be excused Tuesday, January 25. No objections. So ordered.

Mr. Maresh asked unanimous consent to be excused from 9:30 to 11:00 this morning. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 8
January 20, 1977

Dear Senator Reutzel:

You have sent us a copy of L.B. 140, and have asked us about the constitutional validity of two provisions of the statute which would be amended by this bill. Ordinarily, in accordance with the policy outlined in the letter from Mr. Clarence A. H. Meyer, then Attorney General, to the Clerk of the Legislature, dated December 28, 1972, and found on page 36 of Volume 1 of the 1973 Legislative Journal, we do not give opinions to individual senators as to the constitutionality of bills which have already become law.

On the surface, it would appear that we would be precluded from giving you an opinion on the matters you ask about because of this policy. However, we have discussed this matter with you verbally, and we understand that one of the purposes of the bill is to repeal a possibly unconstitutional provision, and that you therefore need this opinion to determine the necessity of the passage of the bill.

Section 77-303.01, R.R.S. 1943, as it now reads, provides for hearings before the Tax Commissioner to determine whether county officials have violated rules, regulations, or directives of the Tax Commissioner, or any of the revenue laws of the State of Nebraska. The statute then provides that in the event it is found that a violation has occurred, the State Treasurer shall withhold distribution of all money to which the county may be entitled under the provisions of Chapter 66, article 4. After corrective action has been taken, the State Treasurer is directed to distribute 80 percent of the monies so withheld to the county in the event the violation has not been corrected before the hearing, and 90 percent in the event that corrective measures have been completed by the date of the hearing. The balance of 10 or 20 percent of the withheld distributions are to be forfeited by the county, and transferred to the state general fund.

After examining Chapter 6, article 4 of the statutes, we have concluded that it is not necessary for us to render an opinion as to the constitutionality of this provision, because it appears to be inoperative.

We have gone through all of Chapter 66, article 4 of the statutes, as amended, and find no provision therein for the transfer of any funds by the State Treasurer to the counties. At one time, section 66-421 provided for a fund to be known as the Gasoline Tax Fund. Sections 66-422 and 66-423 provided that a portion of the Gasoline Tax Fund should be transferred monthly to the various county treasurers on a basis set out in section 66-422, and allocated by the county treasurers on a basis set forth in section 66-423. However, section 66-421 was amended in 1969 to provide for a fund to be known as the Highway Trust Fund. At the same

time, sections 66-422 and 66-423 were repealed. Distribution of the Highway Allocation Fund is made pursuant to section 39-2402, R, R. S. 1943. It therefore appears that no funds are distributed to the counties under the provisions of Chapter 66, article 4, and that a discussion of the constitutionality of section 77-303.01 involving this matter would be purely academic.

You also ask about the constitutionality of having an appointed official such as the Tax Commissioner removing or suspending an elected official. We gather that you are referring to the portion of section 77-303.01 which provides:

> "... Failure or refusal by any county officer to take the necessary corrective action according to law shall in and of itself be deemed grounds for suspension and removal of such officer in accordance with the procedure outlined in sections 25-21,147 and 25-21,148...."

We will discuss this question with the same understanding that we had with respect to your first question, that the purpose of your asking is to determine the necessity of repealing a possibly unconstitutional provision.

We believe your question involves a misunderstanding of the procedure authorized by section 77-303.01. This section does not authorize the removal or suspension of an elected official by the Tax Commissioner. Sections 25-21,147 and 25-21,148 provide that public officers who willfully fail, neglect or refuse to enforce any law which it is made their duty to enforce shall forfeit their offices and may be removed therefrom. The procedure for removal is set forth in section 25-21,148. It provides that the Attorney General or a special attorney designated by the Governor shall institute and prosecute a quo warranto proceeding in the Supreme Court against such officer. During the pendency of such proceedings the officer may be suspended by the Governor. If the court finds that the officer has willfully failed or refused to enforce the law, the court shall oust him from office. As you can see, section 77-303.01, read in pari materia with sections 25-21,147 and 25-21,148, do not provide for removal by the Tax Commissioner. You have suggested no constitutional problems with the quo warranto proceedings which are authorized.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

REPORT OF EXAMINATION OF AUDITOR OF PUBLIC ACCOUNTS

January 4, 1977

Mr. Ray A. C. Johnson
State Auditor
2303 State Capitol
Lincoln, Nebraska 68509

Dear Mr. Johnson:

In accordance with the provisions of the statutes that require the Tax Commissioner to examine the books, records, and accounts of theAuditor of Public Accounts of the State of Nebraska, we herewith submit our report of the Examination of the Auditor of Public Accounts for the fiscal year ending June 30, 1975.

Sincerely,

(Signed) William E. Peters
State Tax Commissioner

Enc.
cc: Governor Exon
Vincent Brown
Stanley Matzke

(Report on file in the Clerk's Office).

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
2	Neb. Ret. Systems	352	Revenue
339	Education	353	Revenue
340	Urban Affairs	354	Revenue
341	Neb. Ret. Systems	355	Revenue
342	Neb. Ret. Systems	355	Revenue
343	Neb. Ret. Systems	356	Revenue
344	Neb. Ret. Systems	357	Revenue
345	Neb. Ret. Systems	358	Revenue
346	Neb. Ret. Systems	359	Revenue
347	Neb. Ret. Systems	360	Revenue
348	Neb. Ret. Systems	361	Bkg. Comm. & Ins.
349	Neb. Ret. Systems	362	Misc. Subjects
350	Revenue	363	Gov. Mil. & Vets Afrs
351	Revenue	364	Appropriations

LB	Committee	LB	Committee
365	Appropriations	378	Education
366	Bkg. Comm. & Ins.	379	Public Works
367	Judiciary	380	Pub. Hlth. & Wel.
368	Education	381	Appropriations
369	Misc. Subjects	382	Revenue
370	Misc. Subjects	383	Appropriations
371	Agric. & Env.	384	Bkg. Comm. & Ins.
372	Pub. Hlth. & Wel.	385	Bkg. Comm. & Ins.
373	Bkg. Comm. & Ins.	386	Misc. Subjects
374	Urban Affairs	387	Pub. Hlth. & Wel.
375	Education	388	Gov. Mil. & Vets Afrs
376	Misc. Subjects	389	Education
377	Public Works	390	Agric. & Env.

(Signed) Richard D. Marvel, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 49. Placed on General File.

LEGISLATIVE BILL 72. Placed on General File as amended.
Standing Committee amendments to LB 72:
1. On page 3, line 1 strike "and the surname of the child"; line 3 strike "and order"; and in line 3 after "court" insert "and the surname of the child may be entered on the certificate the same as the surname of the father".
2. 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.".

(Signed) Richard Lewis, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 391. By Revenue Committee: Keyes, 3rd District, Chairman; Clark, 47th District; Burrows, 30th District; Hefner, 19th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 23-927, Reissue Revised Statutes of Nebraska, 1943, relating to budgets; to provide that the final adjusted

valuation shall be used in setting levies; to provide duties of the county assessors; and to repeal the original section.

LEGISLATIVE BILL 392. By George, 16th District.

A BILL FOR AN ACT to amend section 77-202.13, Revised Statutes Supplement, 1976, relating to homestead exemptions; to increase exemptions as prescribed; to provide an exemption for certain handicapped individuals; and to repeal the original section.

LEGISLATIVE BILL 393. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to rules of the road; to provide the effect of compliance with prescribed federal safety regulations.

LEGISLATIVE BILL 394. By Lamb, 43rd District.

A BILL FOR AN ACT to amend section 77-27,142, Reissue Revised Statutes of Nebraska, 1943, relating to the Local Option Revenue Act; to provide that a sales and use tax shall not be imposed by an incorporated municipality until an election has been held on such question; and to repeal the original section.

LEGISLATIVE BILL 395. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 60-332 and 60-333, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to increase fees for certain classes of vehicle registration; and to repeal the original sections.

LEGISLATIVE BILL 396. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 60-1609.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to specify when owners of land on which mobile homes are located shall renew the annual permit; and to repeal the original section.

LEGISLATIVE BILL 397. By R. Lewis, 38th District.

A BILL FOR AN ACT relating to the Department of Public Institutions; to provide that the department place that property known as the Norfolk Regional Center under the Nebraska Veterans' Home; to provide duties of the department; to harmonize provisions; to amend sections 29-2537, 83-227.01, and 83-376, Reissue Revised Statutes of Nebraska, 1943, and sections 83-107.01, 83-1,147, 83-305, and 83-363, Revised Statutes Supplement, 1976; and to repeal the original sections, and also section 80-309, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 398. By Kahle, 37th District.

A BILL FOR AN ACT to amend section 81-809, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to remove political restrictions on employees of the Game and Parks Commission; and to repeal the original section.

LEGISLATIVE BILL 399. By Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Rasmussen, 41st District; Murphy, 17th District; Burrows, 30th District; Lamb, 43rd District; F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 48-1,104 and 48-1,109, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation claims against the state; to change the requirements for the annual report; to change a period of limitation for certain claims; and to repeal the original sections.

LEGISLATIVE BILL 400. By Barnett, 26th District.

A BILL FOR AN ACT to adopt the Natural Death Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 401. By Clark, 47th District.

A BILL FOR AN ACT relating to the Legislature; to create the Legislature's Telecommunications Committee; and to provide membership.

LEGISLATIVE BILL 402. By Swigart, 8th District.

A BILL FOR AN ACT relating to motor vehicles; to provide a mandatory requirement relating to the issuance of an operator's license; to provide an exemption; and to provide an operative date.

LEGISLATIVE BILL 403. By Boughn, 21st District.

A BILL FOR AN ACT to amend section 79-408.02, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide for the attachment of certain school districts to another adjoining district or districts; and to repeal the original section.

LEGISLATIVE BILL 404. By Boughn, 21st District.

A BILL FOR AN ACT to amend section 60-336, Reissue Revised Statutes of Nebraska, 1943, and sections 60-301 and 60-403.01, Revised Statutes Supplement, 1976, relating to motor vehicles; to provide for registration of motorized bicycles; to define a term; to set a fee; and to repeal the original sections.

LEGISLATIVE BILL 405. By Moylan, 6th District.

A BILL FOR AN ACT to amend section 2-1504, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Natural Resources Commission; to change the number and manner of selection of members and their terms of office; and to repeal the original section.

LEGISLATIVE BILL 406. By Moylan, 6th District.

A BILL FOR AN ACT to amend sections 71-102, 71-107, 71-110, 71-112 to 71-114, 71-116, 71-121, and 71-138, Reissue Revised Statutes of Nebraska, 1943, and sections 71-122, 71-139, and 71-162, Revised Statutes Supplement, 1976, relating to professional and occupational licenses; to provide for licensure of audiologists and speech pathologists; to provide for a board of examiners; to provide licensure qualifications; to define terms; to specify fees; to provide for temporary licensure; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 407. By Labedz, 5th District.

A BILL FOR AN ACT to amend sections 77-202.12 and 77-202.13, Revised Statutes Supplement, 1976, relating to taxation; to redefine terms; to increase the amount which certain persons may earn and qualify for homestead exemption; to increase the amount of actual valuation for homestead credit; and to repeal the original sections.

LEGISLATIVE BILL 408. By 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 409. By Fowler, 27th District.

A BILL FOR AN ACT relating to public health and welfare; to require the licensing of social workers as prescribed; to define terms; to prescribe qualifications for licensing; to create the State Board of Social Work Examiners; to provide for the issuance and renewal of licenses; to establish fees; to provide for the administration of this act; to declare certain acts illegal; to provide penalties; and to provide severability.

LEGISLATIVE BILL 410. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 81-550, Reissue Revised Statutes of Nebraska, 1943, relating to the Natural Gas Pipe Line Safety Act of 1969; to increase the amount that may be assessed against persons having pipe line facilities in this state; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 411. By Maresh, 32nd District.

A BILL FOR AN ACT relating to agriculture; to provide for the discontinuance of watershed conservancy districts; to place watershed conservancy district board members on the board of directors of natural resources districts; to provide certain advisory duties to such members; to amend sections 2-1566 and 2-3213, Reissue Revised Statutes of Nebraska, 1943; to harmonize existing provisions of law; to repeal the original sections, and also sections 2-1550 and 2-1565, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 412. By Stoney, 4th District.

A BILL FOR AN ACT relating to the practice of acupuncture; to define terms; to provide for the licensure of acupuncturists and acupuncturists' assistants as prescribed; to provide duties of the Board of Examiners in Medicine and Surgery; and to provide penalties.

LEGISLATIVE BILL 413. By Stoney, 4th District.

A BILL FOR AN ACT relating to the state budget; to provide for zero base budgeting; to require information to be submitted with the Governor's budget; to amend sections 81-137 and 81-1113, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 414. By George, 16th District.

A BILL FOR AN ACT relating to motor vehicles; to require that the owner of a motor vehicle shall demonstrate a certificate of liability insurance before registering the motor vehicle; to authorize the posting of an indemnity bond in lieu of the insurance; to prescribe unlawful acts; and to provide penalties.

LEGISLATIVE BILL 415. By Savage, 10th District.

A BILL FOR AN ACT to amend sections 9-107 and 9-114, Reissue Revised Statutes of Nebraska, 1943, relating to bingo; to eliminate the restrictions on Sunday, gross receipts and payments, and the frequency of conducting bingo; and to repeal the original sections.

LEGISLATIVE BILL 416. By Burrows, 30th District; Brennan, 9th District; Merz, 1st 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 417. By Burrows, 30th District; Venditte, 7th District; Merz, 1st District.

A BILL FOR AN ACT to adopt the Nebraska Fairness in Lending Act.

LEGISLATIVE BILL 418. By Venditte, 7th District.

A BILL FOR AN ACT to amend sections 29-611, 29-612, and 29-613, Reissue Revised Statutes of Nebraska, 1943, relating to appeal of minor offenses; to change procedures; and to repeal the original sections, and also section 29-614, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 419. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Kelly, 35th District; Swigart, 8th District; Boughn, 21st District; Merz, 1st District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend sections 60-311.10 and 60-311.12, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.11, Revised Statutes Supplement, 1976, relating to motor vehicle registration; to authorize the issuance of prestige plates for commercial trucks as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 420. By Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; Merz, 1st District; R. Lewis, 38th District; Moylan, 6th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 2-3256 and 81-855, Reissue Revised Statutes of Nebraska, 1943, relating to certain construction projects; to provide that the design or construction of projects costing more than twenty thousand dollars shall be under the supervision of a registered engineer or architect; and to repeal the original sections.

LEGISLATIVE BILL 421. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Kelly, 35th District; Merz, 1st District; Boughn, 21st District; Swigart, 8th District; R. Lewis, 38th District.

A BILL FOR AN ACT to amend section 46-612.01, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to require control of pesticide material; and to repeal the original section.

LEGISLATIVE BILL 422. By Boughn, 21st District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article III, section 5, of the Constitution of Nebraska, relating to the Legislature; to provide for an Indian representative in the Nebraska Legislature; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

LEGISLATIVE BILL 423. By Boughn, 21st District.

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

LEGISLATIVE BILL 424. By Schmit, 23rd District.

A BILL FOR AN ACT to amend section 48-628, Revised Statutes Supplement, 1976, relating to employment security; to require certain unemployment claimants to accept work involving less competence and lower remuneration as prescribed; and to repeal the original section.

LEGISLATIVE BILL 425. By Schmit, 23rd District.

A BILL FOR AN ACT to amend sections 43-512, 43-512.01, and 43-512.03, Revised Statutes Supplement, 1976, relating to assistance for children; to revise procedures regarding investigations of applications for assistance; to confer certain powers and duties on county attorneys, as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 426. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 53-123.02, 53-142, 53-160, and 53-168.02, Reissue Revised Statutes of Nebraska, 1943, and sections 53-123.03, 53-124, and 53-135.01, Revised Statutes Supplement, 1976, relating to alcoholic liquors; to eliminate certain restrictions and the occupation tax on bottle clubs; to provide a uniform fee for bottle club licenses; to change dates for certain actions; to change an age requirement; to provide for filing of new price schedules; and to repeal the original sections, and also sections 53-160.03 to 53-160.07, Reissue Revised Statutes of Nebraska, 1943.

LEGISLATIVE BILL 427. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend section 39-6,178, Revised Statutes Supplement, 1976, relating to rules of the road; to permit a height tolerance; and to repeal the original section.

LEGISLATIVE BILL 428. By Koch, 12th District.

A BILL FOR AN ACT relating to schools; to declare intent; to provide certain items to be included in contracts for employment of school administrators; to amend section 79-1254.04, Revised Statutes Supplement, 1976; to provide notice of termination of a contract of employment; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 429. By Goodrich, 20th District.

A BILL FOR AN ACT relating to the Public Service Commission; to provide the standards to be followed and applied by the commission in establishing a rate and range of return for public utilities in rate cases.

LEGISLATIVE BILL 430. By Hefner, 19th District.

A BILL FOR AN ACT to amend section 79-701, Revised Statutes Supplement, 1976, relating to schools; to provide exceptions from minimum enrollment provisions; and to repeal the original section.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 23. Placed on General File.
LEGISLATIVE BILL 96. Placed on General File.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Bereuter asked unanimous consent to have the following amendments to LB 38 printed in the Journal. No objections. So ordered.

1. On page 2, line 16 after ";" strike "and"; line 18 after "offenses" strike the period and insert "; and", and after line 18 insert the following:

"(6) To eliminate disparity of and provide uniformity in sentences by establishing a system of determinate sentences, established and fixed by law, in proportion to the seriousness of the offense which may be imposed by the trial court with certain specified discretion.".

2. On page 3, line 14 after "which" insert ", except as otherwise provided in this code,"; strike lines 15 through 27 and insert:

"Class I felony . . . . . _____
Class IA felony . . . . . _____
Class IB felony . . . . . _____
Class II felony . . . . . _____
Class III felony . . . . . _____
Class IV felony . . . . . _____".

3. On page 4, strike line 1; strike lines 18 through 21 and insert the following:

"(3) After an offender has been convicted of any offense for which a term of imprisonment is imposed, the court may, if it imposes such sentence, increase or decrease the statutory time period of the sentence by not more than fifteen per cent of the sentence. If the term of the sentence imposed is increased, or decreased or if consecutive sentences are imposed for multiple offenses, the court shall state the reasons therefor in a written memorandum accompanying the sentence. The provisions of this subsection shall be in addition to and subject to other provisions of this code.".

4. On page 4, line 26 after "which" insert ", except as otherwise provided in this code,"; strike line 27 and insert "Class I misdemeanor . . . _____".

5. On page 5 strike lines 1 through 21 and insert

"Class II misdemeanor . . . . . _____
Class III misdemeanor . . . . . _____
Class IIIA misdemeanor . . . . . _____
Class IV misdemeanor . . . . . _____
Class V misdemeanor . . . . . _____".

6. On page 7, after line 9 insert new sections as follows:

"Sec. 9. The following factors shall be accorded weight in favor of imposing an increased term of imprisonment:

(1) That in the commission of a felony offense, or in flight therefrom, the defendant inflicted or attempted to inflict serious bodily injury to another;

(2) That the defendant presents a continuing risk of physical harm to the public;

(3) When the court finds that the offense was accompanied by exceptionally brutal or heinous behavior, indicative of willful cruelty, and that an additional period of confinement is required for the protection of the public;

(4) That the defendant is an habitual offender whose imprisonment for an extended term is necessary for the protection of the public;

(5) That the defendant committed a felony offense that occurred under one or more of the following circumstances:

(a) The defendant, by the duties of his office or by his position, was obliged to prevent the particular offenses committed or to bring the offenders committing it to justice;

(b) The defendant held public office at the time of the offense, and the offense related to the conduct of that office; or

(c) The defendant utilized his professional reputation or position in the community to commit the offense, or to afford him or her an easier means of committing it, in circumstances when his or her example probably would influence the conduct of others; or

(6) The defendant was armed with a deadly weapon at the time of the offense.

Sec. 10. The following factors shall be accorded weight in favor of mitigating a sentence of imprisonment:

(1) The defendant's criminal conduct neither caused nor threatened serious harm;

(2) The defendant did not contemplate that his criminal conduct would cause or threaten serious harm;

(3) The defendant acted under a strong provocation;

(4) There were substantial grounds tending to excuse or justify the defendant's criminal conduct, though failing to establish a defense;

(5) The victim of the defendant's criminal conduct induced or facilitated its commission;

(6) The defendant has compensated or will compensate the victim of his criminal conduct for the damage or injury that he or she sustained;

(7) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the present crime;

(8) The defendant's criminal conduct was the result of circumstances unlikely to recur;

(9) The character and attitudes of the defendant indicate that he is unlikely to commit another crime;

(10) The defendant is particularly likely to comply with the terms of a period of probation; or

(11) The imprisonment of the defendant would entail excessive hardship to the defendant or the defendant's family or dependants. (sic)

Sec. 11. (1) Except as provided in subsections (2) and (3) of this section, when any person is convicted of two or more felonies, whether in the same

proceeding or court or in different proceedings or courts, and whether by judgment rendered by the same judge or by different judges, and the second or other subsequent judgment imposes a consecutive term of imprisonment, the aggregate term of imprisonment for all such convictions shall be the greatest term of imprisonment imposed by the judge for any of the crimes, including any increases which are imposed pursuant to section 9 of this act, plus one-third of the imprisonment prescribed for each other felony convictions for which a consecutive term of imprisonment is imposed without such enhancements.

(2) In the case of any person convicted of one felony which is committed while such person is confined in a state prison and the law either requires the sentences to be served consecutively or the judge imposes a consecutive sentence, the aggregate term of imprisonment for all convictions which such person is required to serve consecutively shall be the remainder of the term for which he was confined plus the term of imprisonment specified by the judge for the crime committed while confined in a state prison. If such person is convicted of more than one such felony in the same proceeding, and the law either requires each sentence to be served consecutively or the judge imposes a consecutive sentence, the aggregate term for all convictions which the person is required to serve consecutively shall be the remainder of the term for which he was confined plus the greatest term of imprisonment specified by the judge for any of such felonies plus one-third of the sentence prescribed for each other such felony conviction. The provisions of this subsection shall be applicable in cases of convictions of more than one offense in different proceedings, and convictions of more than one offense in the same or different proceedings.

(3) When the court imposes a prison sentence for a felony pursuant to this code, the court shall also impose the additional sentences, pursuant to section 13 of this act, for each prior prison term charged and proved in the instant case and for any other increases in sentence which the court determines in its discretion, or as required by law shall run consecutive to the sentence imposed. If the court determines that there are circumstances in mitigation of the punishment prescribed, the court may strike the additional punishment; Provided, that reasons therefor are stated on the record.

Sec. 12. (1) Any person, who commits or attempts to commit any felony within this state while personally armed with any deadly weapon, upon conviction of such felony or of an attempt to commit such felony, shall in addition to the punishment prescribed for the crime of which he has been convicted, be punished by additional imprisonment for one year.

(2) Any person who uses a deadly weapon in the commission or attempted commission of a felony, upon conviction of such crime, shall, in addition to the punishment prescribed for the felony of which he has been convicted, be punished by additional imprisonment for a period of two years.

(3) In any case, except a homicide case, in which the defendant is convicted of a felony in which the infliction of serious bodily injury is not an element of the crime but in the course of the commission of such crime and with the intent to inflict such injury, the defendant inflicts such injury upon any rson other than accomplices, such fact may be charged in the indictment or information and if found to be true by the jury upon a jury trial, or if found to be true by the court upon a court trial, or if admitted by the defendant, defendant shall, in addition to the punishment prescribed for the felony of which he has been convicted, be punished by imprisonment in an institution under the jurisdiction of the Department of Correctional Services for a period of three years.

(4) Such additional period of imprisonment shall commence upon the expiration or other termination of the sentence imposed for the crime of which he or she is convicted and shall not run concurrently with such sentence; Provided, that if the court determines that there are circumstances in mitigation of the punishment prescribed, the court may strike the additional punishment, and the reasons therefore shall be stated on the record.

Sec. 13. Additional prison terms for new offenses because of prior prison terms shall be imposed as follows:

(1) If the new offense is one of the violent felonies specified in subsection (3) of this section and the defendant is sentenced to prison therefor, in addition and consecutive to any other prison terms, the trial court shall impose a three-year term for each prior separate prison term served by the defendant when the prior felony was one of the violent felonies specified in subsection (3) of this act; Provided, that no additional term shall be imposed under this

subdivision in any case in which the defendant has remained free of prison custody and free of felony conviction for ten years immediately preceeding the filing of an accusatory pleading that results in such felony conviction. If the court determines that there are circumstances in mitigation of the additional punishment prescribed, the court may strike the additional punishment, and the reasons therefor shall be stated on the record;

(2) Except when the provisions of subsection (1) apply, when the new offense is any felony for which a prison sentence is imposed, in addition and consecutive to any other prison term therefor, the trial court shall, unless specifically not ordered by the court with reasons therefor stated on the record, impose a one-year term for each prior separate prison term served for any felony; Provided, that no additional term shall be imposed under this subdivision in any case in which the defendant has remained free of prison custody five years immediately preceding the filing of an accusatory pleading that results in a new felony conviction. For the purposes of this subsection the defendant shall be deemed to remain in prison custody for an offense until the official discharge from such custody or until release on parole, whichever occurs first, including any time during which the defendant remains subject to arrest for escape from such costody;

(3) For the purpose of this section violent felony shall mean any of the following crimes for which the defendant served a separate prison term:

(a) Murder or voluntary manslaughter;

(b) Sexual assault;

(c) Child abuse;

(d) Kidnapping; or

(e) Any other felony in which the defendant inflicts serious bodily injury on persons, other than accomplices, and such has been alleged and proved;

(4) In no case shall the aggregate term for enhancement for prior terms exceed five years.".

7. Renumber original sections 9 through 342 as sections 14 through 347, respectively.

8. On page 245 after line 12 insert new sections as follows:

"Sec. 348. (1) Except where specifically prohibited by subsection (2) of this section the court may stay imposition or execution of sentence and place the defendant on probation, whether with or without

supervision, and on such terms as the court may prescribe. The court shall stay imposition or execution of sentence and place the defendant on probation when the offense committed was a first offense involving fraud as set out in Article 6 of this code and did not involve in excess of five thousand dollars.

(2) The execution or imposition of sentence may not be stayed upon the conviction for a felony offense (a) involving death, or serious bodily injury, (b) during the commission of which felony, the offender was armed with a deadly weapon, (c) involving sexual assault, (d) in any case in which the defendant is convicted of a third felony offense within a ten year period, or (e) involving the unlawful manufacture or sale of drugs.

Sec. 349. As used in this code, unless the context otherwise requires:

(1) Board shall mean the Board of Parole;

(2) Committed offender shall mean any person who, under any provision of law, is sentenced or committed to a facility operated by the Department of Correctional Services or is sentenced or committed to the department, other than a person adjudged delinquent or in need of special supervision by a juvenile court;

(3) Facility shall mean any prison, reformatory, training school, reception center, community guidance center, group home, or other institution operated by the Department of Correctional Services;

(4) Maximum term shall mean the maximum sentence provided by law or the maximum sentence imposed by a court, whichever is shorter;

(5) Minimum term shall mean the minimum sentence provided by law or the minimum sentence imposed by a court, whichever is longer;

(6) Pardon authority shall mean the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations;

(7) Parole term shall mean the time from release on parole to the completion of the maximum term, reduced by parole time granted pursuant to section 83-1,108 and good behavior good time granted under the provisions of sections 83-1,107 and 83-1,107.01;

(8) Person committed to the department shall mean any person sentenced or committed to a facility within the department;

(9) Department shall mean the Department of Correctional Services;

(10) Director shall mean the Director of Correctional Serivces(sic);

(11) Good time shall mean any reduction of sentence granted pursuant to sections 83-1,107, 83-1,107.01, and 83-1,108; and

(12) Determinate sentence shall mean a sentence established and fixed by law, in proportion to the seriousness of the offense, to be imposed by the trial court within specified discretionary limits.

Sec. 350. (1) The chief executive officer of each facility shall establish and maintain, in accordance with the regulations of the Division of Corrections, an individual file for each person committed to the division. Each file shall include where available and appropriate:

(a) His admission summary;

(b) His presentence investigation report;

(c) His classification report and recommendation;

(d) Official records of his conviction and commitment as well as any earlier criminal records;

(e) Progress reports and admission-orientation reports;

(f) Reports of any disciplinary infractions and of their disposition;

(g) His parole plan for all persons committed under indeterminate sentencing provisions; and

(h) Other pertinent data concerning his background, conduct, associations, and family relationships.

(2) Any decision concerning the classification, reclassification, transfer to another facility, preparole preparation, or parole release of a person committed to the division shall be made only after his file has been reviewed. The content of the file shall be confidential and shall not be subject to public inspection except by court order for good cause shown and shall not be accessible to any person committed to the division.

(3) The program of each person committed to the division shall be reviewed at regular intervals and recommendations shall be made to the chief executive officer concerning changes in such person's program of treatment, training, employment, care and custody as are considered necessary or desirable.

(4) The chief executive officer of the facility shall have final authority to determine matters of treatment classification within his facility and to recommend to the Director of Corrections the transfer of any person committed to the division who is in his custody.

(5) The Director of Corrections may at any time order a person committed to the division to undergo further examination and study for additional recommendations concerning his classification, custodial control, and rehabilitative treatment.

Sec. 351. The Board of Parole shall:

(1) Determine the time of release on parole of committed offenders eligible for such release;

(2) Fix the conditions of parole, revoke parole, issue or authorize the issuance of warrants for the arrest of parole violators, and impose other sanctions short of revocation for violation of conditions of parole for those persons committed under indeterminate sentencing provisions;

(3) Determine the time of discharge from parole;

(4) Visit and inspect any facility, state or local, for the detention of persons charged with or convicted of an offense, and for the safekeeping of such other persons as may be remanded thereto in accordance with law;

(5) Serve in an advisory capacity to the Director of Corrections in administering parole services within any facility and in the community;

(6) Interpret the parole program to the public with a view toward developing a broad base of public support;

(7) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;

(8) Recommend parole legislation to the Governor;

(9) Review the record of every committed offender, whether or not eligible for parole, not less than once each year. Such review shall include the circumstances of the offender's offense, the presentence investigation report, his previous social history and criminal record, his conduct, employment, and attitute (sic) during commitment, and the reports of such physical and mental examinations as have been made. The board shall meet with such offender and counsel him concerning his progress and his prospects for future parole;

(10) Make rules and regulations for its own administration and operation;

(11) Appoint and remove all employees of the board and delegate appropriate powers and duties to them;

(12) Transmit annually to the Governor a report of its work for the preceding calendar year, which report shall be transmitted by the Governor to the Legislature;

(13) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the provisions of this act;

(14) Be the releasing authority for all persons committed to the Department of Correctional Services under determinate sentencing provisions; and

(15) Hear appeals, on a quarterly basis, of any denials or reductions of earned good time.

Sec. 352. (1) Credit against any term may be given to an offender for time spent in custody as a result of the criminal charge for which a prison sentence is imposed or as a result of the conduct on which such a charge is based. This shall specifically include, but shall not be limited to, time spent in custody prior to trial, during trial, pending sentence, pending the resolution of an appeal, and prior to delivery of the offender to the custody of the Department of Correctional Services.

(2) Credit against any term may be given to an offender for time spent in custody under a prior sentence if he is later reprosecuted and resentenced for the same offense or for another offense based on the same conduct. In the case of such a reprosecution, this may include credit in accordance with subsection (1) of this section for time spent in custody as a result of both the original charge and any subsequent charge for the same offense or for another offense based on the same conduct.

(3) If an offender is serving consecutive or concurrent sentences, or both, and if one of the sentences is set aside as the result of a direct or collateral proceeding, credit against any term of the remaining sentences may be given for all time served since the commission of the offenses on which the sentences set aside were based.

(4) If the offender is arrested on one charge and prosecuted on another charge growing out of conduct which occurred prior to his arrest, credit against any term of any sentence resulting from such prosecution may be given for all time spent in custody under the former charge which has not been credited against another sentence.

(5) Credit for time served may only be given in accordance with the procedure specified in this subsection:

(a) Credit to an offender who may be eligible therefor under subsections (1), (2), and (4) of this section shall be set forth as a part of the sentence; or

(b) Credit to an offender who may be eligible therefor under subsection (3) of this section may only be given by the court in which such sentence was set aside by entering such credit in the fianl(sic) order setting aside such sentence.

Sec. 353. (1) The chief executive officer of a facility shall reduce for good behavior the term of a committed offender as follows: Two months on the first year, two months on the second year, three months on the third year, four months for each succeeding year of his term and pro rata for any part thereof which is less than a year. The total of all such reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 352 of this act, and shall be deducted:

(a) From his minimum term, to determine the date of his eligibility for release on parole;

(b) From his maximum term, to determine the date when his discharge from the custody of the state becomes mandatory; and

(c) From his definite term, if committed under determinate sentencing, to determine the date when his discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the Department of Correctional Services or the Board of Parole, reductions in such terms of imprisonment shall be certified monthly by the chief executive officer of the facility, and such reductions shall be irrevocable once certified. Denial of good time reductions shall be limited to the month during which the cause for such denial took place.

(3) Appeals concerning denial of such reductions in any term of imprisonment shall be to the Board of Parole and shall be heard quarterly.

(4) Good time or other reductions of sentence granted under the provisions of any law prior to the effective date of this code, may be forfeited, withheld, or restored in accordance with the terms of this code.

Sec. 354. (1) In addition to the reductions provided in section 353 of this act, an offender shall receive, for participation in educational or employment programs, sociological development programs, or rehabilitation opportunities, a further reduction of five days for each month of his term. The total of all such reductions shall be deducted from his maximum term to determine the date when his discharge from the custody of the state becomes mandatory.

(2) While the offender is in the custody of the Department of Correctional Services or the Board of Parole, reductions in such terms of imprisonment shall be certified monthly by the chief executive officer of the facility, and such reductions shall be irrevocable once certified. Denial of good time reductions shall be limited to the momth during which the cause for such denial took place.

Sec. 355. (1) The Board of Parole shall reduce for good conduct in conformity with the conditions of his parole, a parolee's parole term by two days for each month of such term. The total of such reductions shall be deducted from his maximum term, less good time reductions granted under the provisions of sections 353 and 354 of this act, to determine the date when his discharge from parole becomes mandatory.

(2) Reductions of parole terms may be forfeited, withheld, and restored by the Board of Parole after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of his parole.

Sec. 356. The Board of Parole shall take into consideration the sentence terms and sentence reductions provided in this code and the penal philosophy embodied therein, in its deliberations relative to parole, probation, release, or other disposition of persons committed to the custody of the Department of Correctional Services who have been sentenced under indeterminate sentencing provisions.

Sec. 357. The Provisions of sections 83-1,112 to 83-1,117, 83-1,121, and 83-1,122 to 83-1,126, Reissue Revised Statutes of Nebraska, 1943, and sections 83-1,110, 83-1,111, 83-1,118, 83-1,119, 83-1,120, 83-1,123, and 83-1,126.01, Revised Statutes Supplement, 1976, shall apply only to persons committed to the custody of the Department of Correctional Services under indeterminate sentencing provisions prior to the effective date of this code.".

9. Renumber original sections 343 through 346 as sections 358 through 361, respectively.

10. On page 246, line 7 after the comma insert "sections 83-178 and 83-192, Reissue Revised Statutes of Nebraska, 1943, and sections 83-170 and 83-1,105 to 83-1,108, Revised Statutes Supplement, 1976,".

BILLS ON FIRST READING

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

LEGISLATIVE BILL 431. By Labedz, 5th District.

A BILL FOR AN ACT to amend section 1-114, Reissue Revised Statutes of Nebraska, 1943, relating to certified public accountants; to revise qualification standards; and to repeal the original section.

LEGISLATIVE BILL 432. By Merz, 1st District.

A BILL FOR AN ACT to amend section 83-387, Reissue Revised Statutes of Nebraska, 1943, relating to residential facilities for mentally retarded persons; to provide for review and appeal of decisions to discharge or transfer mentally retarded persons; and to repeal the original section.

ANNOUNCEMENT

Mr. Marvel announced a meeting of the Executive Board in room 2101 at 4:00 p.m. today.

MOTION–Withdraw LB 318

Mr. Rumery renewed his pending motion found in the Journal on page 240 for the Ninth Day to withdraw LB 318.

The motion prevailed with 33 ayes, 0 nays, 16 present and not voting, and none absent and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 4.

Speaker Luedtke referred LR 4 to the Reference Committee for referral to a committee.

GENERAL FILE

LEGISLATIVE BILL 82. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 absent and not voting.

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 50. Placed on General File as amended.
Standing Committee amendment to LB 50:

1. On page 2 after line 22 insert the following:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

(Signed) Walter George, Chairman

UNANIMOUS CONSENT – Member Excused

Mr. Brennan asked unanimous consent to be excused Tuesday, January 25, 1977. No objections. So ordered.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 433. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Hefner, 19th District; Venditte, 7th District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT relating to inspection by state agencies or departments; to require qualifications of inspectors.

LEGISLATIVE BILL 434. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; DeCamp, 40th District; Hefner, 19th District; Venditte, 7th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 84-151, 84-152, 84-153, and 84-154, Revised Statutes Supplement, 1976, relating to the State Office of Planning and Programming; to eliminate such office from examining land-use regulatory programs; and to repeal the original sections, and also sections 84-156, 84-157, 84-158, 84-159, and 84-160, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 435. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; DeCamp, 40th District; Hefner, 19th District; Venditte, 7th District; Kahle, 37th District.

A BILL FOR AN ACT to amend sections 72-204, 72-205.03, 72-233, and 72-233.01, Reissue Revised Statutes of Nebraska, 1943, and sections 72-232 and 72-234, Revised Statutes Supplement, 1976, relating to school lands and funds; to provide the Board of Educational Lands and Funds

with powers and duties relating to lands leased under a crop-share agreement or under a cash-rent program as prescribed; to provide provisions relating to the selling, storing, and marketing of crops; to provide lease provisions; and to repeal the original sections.

LEGISLATIVE BILL 436. By Chambers, 11th District.

A BILL FOR AN ACT relating to the Department of Administrative Services; to provide an additional power and duty; and to make an appropriation.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 3, 5, 6, 8 and 9.

(Signed) Samuel K. Cullan, Chairman

MEMORIAL

Mr. Brennan asked the members to stand for a moment of silence in memory of Mr. Jack Cavanaugh.

UNANIMOUS CONSENT–Change of Hearing Rooms

Mr. Keyes asked unanimous consent to use the West Chamber for Revenue Committee hearings this afternoon if necessary. No objections. So ordered.

VISITORS

The President introduced Mr. Al Robinson, Chief Radiologic Technologist of Great Plains Medical Center, North Platte, Nebraska; 6 Webelos Cub Scouts from Pack 38, Eastridge Presbyterian Church, Lincoln and leader, Sue Kirby.

RECESS

At 9:41 a.m., on a motion by Mr. Savage, the Legislature recessed until 4:30 p.m.

AFTER RECESS

The Legislature reconvened at 4:32 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all the members were present except Messrs. Brennan, Burrows, Chambers, Clark, Dworak, Hefner, Keyes, Labedz, Newell, Simon, and Swigart who were absent.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 437. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Fitzgerald, 14th District; Carsten, 2nd District; Reutzel, 15th District; Labedz, 5th District.

A BILL FOR AN ACT relating to the University of Nebraska; to require that certain in lieu of tax payments be made.

LEGISLATIVE BILL 438. By Kelly, 35th District.

A BILL FOR AN ACT relating to eminent domain; to specify an additional issue in condemnation proceedings.

LEGISLATIVE BILL 439. By F. Lewis, 45th District.

A BILL FOR AN ACT to amend sections 2-3230 and 2-3231, Reissue Revised Statutes of Nebraska, 1943, and section 70-637, Revised Statutes Supplement, 1976, relating to natural resource districts and public power districts; to require voter approval of contracts in excess of fifty thousand dollars; and to repeal the original sections.

LEGISLATIVE BILL 440. By Education Committee: F. Lewis, 45th District, Chairman; Koch, 12th District; Maxey, 46th District; Kremer, 34th District; George, 16th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 79-444, Revised Statutes Supplement, 1976, relating to physical examination of pupils; to require examination and immunization of students prior to entering kindergarten and the seventh grade of any school; to provide exceptions; and to repeal the original section.

LEGISLATIVE BILL 441. By Education Committee: F. Lewis, 45th District, Chairman; Koch, 12th District; George, 16th District; Maxey, 46th District; Kremer, 34th District; Lamb, 43rd District; Kahle, 37th District; Fitzgerald, 14th District.

A BILL FOR AN ACT to repeal section 79-1705, Revised Statutes Supplement, 1976, relating to schools.

LEGISLATIVE BILL 442. By Education Committee: F. Lewis, 45th District, Chairman; Fitzgerald, 14th District; Kahle, 37th District; Lamb, 43rd District; Kremer, 34th District; Maxey, 46th District; Koch, 12th District.

A BILL FOR AN ACT relating to education; to authorize the establishment and operation of a Diagnostic Resource Center at Cozad as prescribed; to amend section 43-627, Reissue Revised Statutes of Nebraska, 1943, and sections 43-654 and 79-328, Revised Statutes Supplement, 1976; to provide an operative date; to repeal the original sections, and also sections 43-617 to 43-620, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

LEGISLATIVE BILL 443. By Education Committee: F. Lewis, 45th District, Chairman; Fitzgerald, 14th District; Kahle, 37th District; Lamb, 43rd District; George, 16th District; Kremer, 34th District; Maxey, 46th District; Koch, 12th District.

A BILL FOR AN ACT to amend sections 43-611.01 and 43-644, Reissue Revised Statutes of Nebraska, 1943, and sections 43-607, 43-611, 43-642, 43-645, and 43-647, Revised Statutes Supplement, 1976, relating to the care and education of handicapped children; to define terms; to provide that institutions not wholly owned or controlled by the state or any political subdivision may provide special education programs; to provide for payment of costs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 444. By Education Committee: F. Lewis, 45th District, Chairman; Koch, 12th District; Maxey, 46th District; George, 16th District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to state employees; to establish employee tuition reimbursement for education and training programs; to authorize arranged time off to attend such programs; and to provide procedures to implement such programs.

LEGISLATIVE BILL 445. By Education Committee: F. Lewis, 45th District, Chairman; Fitzgerald, 14th District; Kahle, 37th District; Lamb, 43rd District; Koch, 12th District.

A BILL FOR AN ACT to amend section 79-2201.01, Reissue Revised Statutes of Nebraska, 1943, relating to educational service units; to prohibit purchases of property for resale; and to repeal the original section.

LEGISLATIVE BILL 446. By Brennan, 9th District.

A BILL FOR AN ACT to amend section 79-1248, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to provide that employment contracts for teachers or administrators not restrict certain rights; and to repeal the original section.

LEGISLATIVE BILL 447. By Clark, 47th District.

A BILL FOR AN ACT to amend section 57-909, Reissue Revised Statutes of Nebraska, 1943, relating to oil and gas; to revise cost and expense recovery figures to be included in pooling orders; and to repeal the original section.

LEGISLATIVE BILL 448. By Nichol, 48th District.

A BILL FOR AN ACT to amend sections 1-107, 32-4,104, 72-224.03, and 84-1204, Reissue Revised Statutes of Nebraska, 1943, and section 81-8,220, Revised Statutes Supplement, 1976, relating to the Auditor of Public Accounts; to remove the Auditor of Public Accounts from various boards; to require that the Auditor of Public Accounts be a certified public accountant; and to repeal the original sections.

LEGISLATIVE BILL 449. By Bereuter, 24th District; Fowler, 27th District.

A BILL FOR AN ACT to adopt the Nebraska Public Service Commission Reform Act; to amend sections 75-105, 75-106, and 75-107, Reissue Revised Statutes of Nebraska, 1943; and to repeal the original sections.

LEGISLATIVE BILL 450. By Bereuter, 24th District.

A BILL FOR AN ACT to adopt the Nebraska Water Conservation Act of 1977; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 451. By Judiciary Committee: Nichol, 48th District; Carsten, 2nd District; Cullan, 49th District; Stoney, 4th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend section 24-522, Revised Statutes Supplement, 1976, relating to Small Claims Court; to raise the jurisdictional limits to one thousand dollars; and to repeal the original section.

LEGISLATIVE BILL 452. By Judiciary Committee: Barnett, 26th District, Chairman; Stoney, 4th District; Cullan, 49th District; Carsten, 2nd District; Reutzel, 15th District.

A BILL FOR AN ACT to amend sections 29-2204, 29-2248, 29-2249, 29-2250, 29-2252, 29-2253, 29-2257, 29-2258, and 29-2259, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to provide for the sentencing of juveniles as prescribed; to create the Nebraska County Judges Association; to confer additional duties on the Nebraska District Court Judges Association; to provide powers for the Nebraska County Judges Association; to provide for deputy probation officers in the Office of Probation Administration; to provide duties; to create the office of Juvenile Probation Service; to provide powers and duties; to confer responsibilities on adult and juvenile probation officers; to require an annual operating program and budget for probation services; to repeal the original sections, and also section 83-465, Revised Statutes Supplement, 1976; and to declare an emergency.

LEGISLATIVE BILL 453. By Judiciary Committee: Barnett, 26th District, Chairman; Stoney, 4th District; Cullan, 49th District; Carsten, 2nd District; Nichol, 48th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend sections 43-208 and 43-210.01, Revised Statutes Supplement, 1976, relating to juvenile courts; to revise commitment requirements for certain juvenile offenders as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 454. By Judiciary Committee: Barnett, 26th District, Chairman; Stoney, 4th District; Cullan, 49th District; Carsten, 2nd District; Nichol, 48th District.

A BILL FOR AN ACT to amend section 43-206, Revised Statutes Supplement, 1976, relating to juvenile courts; to provide for the issuance of notices in lieu of a summons in juvenile court proceedings as prescribed; to provide procedures; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 455. By Judiciary Committee: Barnett, 26th District, Chairman; Stoney, 4th District; Cullan, 49th District; Carsten, 2nd District; Nichol, 48th District.

A BILL FOR AN ACT to amend sections 43-208 and 43-210, Revised Statutes Supplement, 1976, relating to juvenile courts; to eliminate procedures for revoking probation or supervision; to provide procedures for a review or change of disposition as prescribed; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 456. By Judiciary Committee: Barnett, 26th District, Chairman; Nichol, 48th District; Carsten, 2nd District; Cullan, 49th District; Reutzel, 15th District.

A BILL FOR AN ACT to amend sections 77-2004, 77-2005.01, 77-2018.02, 77-2018.04, and 77-2037, Revised Statutes Supplement, 1976, relating to inheritance tax; to change provisions relating to the rate of inheritance tax to immediate relatives; to redefine relatives of the decedent; to provide when a petitioner shall be entitled without delay to a determination of no tax due; to change provisions relating to deductions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 457. By Barnett, 26th District.

A BILL FOR AN ACT relating to school districts; to provide membership and district election of fourth-class school districts containing a city of the primary class as prescribed.

LEGISLATIVE BILL 458. By Kremer, 34th District.

A BILL FOR AN ACT to amend section 33-117, Revised Statutes Supplement, 1976, relating to sheriffs' fees; to revise fees and fee schedules; and to repeal the original section.

LEGISLATIVE BILL 459. By Education Committee, Interim Study: Warner, 25th District, Chairman.

A BILL FOR AN ACT relating to postsecondary education; to provide legislative intent; to create the Nebraska Postsecondary Education Advisory Committee as prescribed; to provide powers, duties, and responsibilities of such committee; to provide duties of postsecondary institutions and the Nebraska Coordinating Commission for Postsecondary Education; to eliminate the Nebraska Coordinating Commission for Technical Community Colleges; to amend sections 79-2637, 79-2642, 79-2660, 79-2661, and 85-910, Revised Statutes Supplement, 1976; to provide severability; to repeal the original sections, and also sections 79-2654 to 79-2659, Revised Statutes Supplement, 1976; and to declare an emergency.

LEGISLATIVE BILL 460. By Warner, 25th District.

A BILL FOR AN ACT to amend sections 72-232.02, 72-240.08, and 72-240.09, Reissue Revised Statutes of Nebraska, 1943, and section 72-234, Revised Statutes Supplement, 1976, relating to school lands and funds; to create a cash fund; to provide for its purpose and disbursements; to provide that the Board of Educational Lands and Funds pay for control of noxious weeds on school lands; to provide that certain leases shall be for periods of one to fifty years; and to repeal the original sections.

LEGISLATIVE BILL 461. By George, 16th District.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1976, relating to sales and income tax; to exempt from the sales tax personal property which is used in making tests by a producer of veterinary biological products; and to repeal the original section.

LEGISLATIVE BILL 462. By Administrative Agency Rules and Regulations Committee: Duis, 39th District, Chairman; Lamb, 43rd District; R. Lewis, 38th District; Fowler, 27th District; Moylan, 6th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend section 84-907, Reissue Revised Statutes of Nebraska, 1943, relating to agency rules; to require that notice of rule changes be sent to the Revisor of Regulations; to provide for the maintaining of a list of subscribers who desire copies of notices; and to repeal the original section.

LEGISLATIVE BILL 463. By Rasmussen, 41st District.

A BILL FOR AN ACT to amend section 60-110, Reissue Revised Statutes of Nebraska, 1943, relating to title to motor vehicles; to provide a fee for cancellation of a lien on a certificate of title; and to repeal the original section.

LEGISLATIVE BILL 464. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Swigart, 8th District; Murphy, 17th District.

A BILL FOR AN ACT relating to insurance; to permit insurance companies to accept reinsurance for kinds of insurance they are not authorized to transact directly; to establish applicable conditions and limitations; and to declare an emergency.

LEGISLATIVE BILL 465. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Swigart, 8th District; Labedz, 5th District.

A BILL FOR AN ACT relating to sales of goods or services; to define terms; to require certain notice requirements to be placed on sales contracts; to provide rights for credit debtors; to amend section 87-302, Revised Statutes Supplement, 1976; to further enumerate deceptive trade practices; and to repeal the original section.

LEGISLATIVE BILL 466. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Merz, 1st District; Swigart, 8th District; Labedz, 5th District.

A BILL FOR AN ACT relating to state employees; to change the maximum weekly income benefit for state employees or dependents; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 467. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; F. Lewis, 45th District; Mills, 44th District; Warner, 25th District; Goodrich, 20th District.

A BILL FOR AN ACT to amend sections 24-703 and 24-710, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system for judges; to correct internal references; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 5.

Introduced by F. Lewis, 45th District.

WHEREAS, John J. "Jack" Cavanaugh performed eighteen years of dedicated public service as a member of the Douglas County Board; and

WHEREAS, his record as a public servant was distinguished by playing key roles in establishing a pension system for county services and improved county records management; and

WHEREAS, he has been recognized by his contemporaries as a man of tenacious dedication and integrity and possessing a tireless devotion to the welfare of his family; and

WHEREAS, John J. Cavanaugh passed peacefully from this life on the night of January 21, 1977.

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

1. That the Legislature extend its sympathy to the family of John J. Cavanaugh.

2. That the Legislature wishes to recognize his record of service to the people of his county and the state.

3. That a copy of this resolution be presented to the family of John J. Cavanaugh as an expression of sorrow for his passing.

Mr. F. Lewis moved to suspend the rules to consider LR 5 today. The motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 absent and not voting.

LR 5 was adopted with 35 ayes, 0 nays, 1 present and not voting, and 13 absent and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 468. By Schmit, 23rd District.

A BILL FOR AN ACT relating to offenses against public morals; to define terms; to require duties of individuals who sell obscene material; to provide a right of action against such individuals; and to provide penalties.

LEGISLATIVE BILL 469. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Carsten, 2nd District; Reutzel, 15th District; Fitzgerald, 14th District; Barnett, 26th District.

A BILL FOR AN ACT for submission to the electors of an amendment to Article VIII, of the Constitution of Nebraska, by adding thereto a new section 12, relating to revenue; to authorize tax increment legislation as a method of funding redevelopment projects; to provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
391	Revenue	407	Revenue
392	Revenue	408	Cons. Rev. & Rec.
393	Public Works	409	Pub. Hlth & Wel.
394	Revenue	410	Public Works
395	Public Works	411	Public Works
396	Public Works	412	Pub. Hlth. & Wel.
397	Pub. Hlth. & Wel.	413	Appropriations
398	Cons. Rev. & Rec.	414	Bkg. Comm. & Ins.
399	Bus. & Labor	415	Misc. Subjects
400	Judiciary	416	Revenue
401	Misc. Subjects	417	Bkg. Comm. & Ins.
402	Public Works	418	Judiciary
403	Education	419	Public Works
404	Public Works	420	Public Works
405	Public Works	421	Public Works
406	Pub. Hlth. & Wel.	422	Cons. Rev. & Rec.

LB	Committee	LB	Committee
423	Neb. Ret. Systems	430	Education
424	Bus. & Labor	431	Bkg. Comm. & Ins.
425	Pub. Hlth. & Wel.	432	Pub. Hlth & Wel.
426	Misc. Subjects	433	Agric. & Env.
427	Public Works	434	Gov. Mil. & Vets. Afrs.
428	Education	435	Agric. & Env.
429	Public Works	436	Judiciary

(Signed) Richard D. Marvel, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 470. By Nichol, 48th District.

A BILL FOR AN ACT to amend sections 43-642 and 43-645, Revised Statutes Supplement, 1976, relating to the care and education of handicapped children; to redefine a term; to clarify who may provide special education programs as prescribed; and to repeal the original sections.

LEGISLATIVE BILL 471. By Public Health and Welfare Committee: R.,Lewis, 38th District, Chairman; Moylan, 6th District; Maresh, 32nd District; Boughn, 21st District; Rasmussen, 41st District; Kelly, 35th District.

A BILL FOR AN ACT relating to mobile homes; to provide a duty for dealers.

ADJOURNMENT

At 4:53 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Tuesday, January 25, 1977.

Vincent D. Brown
Clerk of the Legislature

ELEVENTH DAY–JANUARY 25, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 25, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

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

> Our Father, as we continue with You this day, we thank You for lessons to learn and for work to do. May we apply ourselves to both. As our representatives from our state here sincerely seek to do right, make it plain to them. Knowing that criticism will come, help them to take from it what is helpful, and to forgive what is unjust and unkind. Amid all the pressures brought upon them, may they still hear Your voice, and follow Your guidance for the good of all the people, that Your Will may be done in this state, through these servants. We also ask that You will support our U.S. Representative John Cavanaugh and his family in the death of his father. Heal their source of loss and grief. For Jesus' sake. Amen.

ROLL CALL

The roll was called and all the members were present except Messrs Brennan, Fitzgerald and Luedtke who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Tenth Day was approved.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 47. Placed on General File as amended.
Standing Committee amendments to LB 47:

1. On page 2, line 27, after "is", insert "licensed as provided in Chapter 60, article 14, and is".

2. On page 3, line 5, after "buyer" insert "at retail from a licensed dealer"; and in line 6, strike "titled" and after "vehicle" insert "which is subject to Chapter 60, article 1,".

LEGISLATIVE BILL 113. Indefinitely postponed.

(Signed) Maurice Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 345	Thursday, February 10, 1977	12:00 Noon
LB 328	Thursday, February 10, 1977	12:00 Noon
LB 343	Wednesday, February 16, 1977	12:00 Noon
LB 346	Wednesday, February 16, 1977	12:00 Noon
LB 2	Wednesday, February 23, 1977	12:00 Noon
Lb 349	Wednesday, February 23, 1977	12:00 Noon

(Signed) William H. Hasebroock, Chairman

Education

LB 79	Monday, January 31, 1977	2:00 p.m.
LB 205	Monday, January 31, 1977	2:00 p.m.

(Signed) Frank Lewis, Chairman

Judiciary

LB 10	Monday, January 31, 1977	10:00 a.m.
LB 167	Monday, January 31, 1977	10:00 a.m.
LB 168	Monday, January 31, 1977	10:00 a.m.
LB 111	Monday, January 31, 1977	2:00 p.m.
LB 64	Monday, January 31, 1977	2:00 p.m.
LB 161	Tuesday, February 1, 1977	10:00 a.m.
LB 162	Tuesday, February 1, 1977	10:00 a.m.
LB 163	Tuesday, February 1, 1977	2:00 p.m.
LB 165	Tuesday, February 1, 1977	2:00 p.m.
LB 204	Tuesday, February 1, 1977	2:00 p.m.

LB 118	Wednesday, February 2, 1977	10:00 a.m.
LB 175	Wednesday, February 2, 1977	10:00 a.m.
LB 294	Wednesday, February 2, 1977	10:00 a.m.
LB 164	Wednesday, February 2, 1977	2:00 p.m.
LB 221	Wednesday, February 2, 1977	2:00 p.m.
LB 166	Wednesday, February 2, 1977	2:00 p.m.
LB 114	Monday, February 7, 1977	2:00 p.m.
LB 125	Monday, February 7, 1977	2:00 p.m.
LB 292	Monday, February 7, 1977	2:00 p.m.
LB 142	Tuesday, February 8, 1977	2:00 p.m.
LB 124	Tuesday, February 8, 1977	2:00 p.m.
LB 126	Tuesday, February 8, 1977	2:00 p.m.
LB 271	Tuesday, February 8, 1977	2:00 p.m.
LB 120	Wednesday, February 9, 1977	2:00 p.m.
LB 121	Wednesday, February 9, 1977	2:00 p.m.
LB 283	Wednesday, February 9, 1977	2:00 p.m.

(Signed) Wally Barnett, Chairman

EXPLANATION OF VOTE

Had I been on the floor on January 25, I would have voted "aye" on LR 5.

(Signed) Donald Dworak

UNANIMOUS CONSENT–Member Excused

Mr. Maresh asked unanimous consent to be excused from 9:30 a.m. until 11:00 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 85. Placed on Select File.
LEGISLATIVE BILL 116. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 4:00 p.m. today in room 2102.

GENERAL FILE

LEGISLATIVE BILL 49. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 1 nay, 11 present and not voting, and 3 absent and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Standing Committee amendments found in the Journal on page 248 for the Tenth Day, First Session, were adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 absent and not voting.

Advanced to E & R for Review with 37 ayes, 0 nays and 9 present and not voting, and 3 absent and not voting.

LEGISLATIVE BILL 23. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 absent and not voting.

LEGISLATIVE BILL 96. Title read. Considered.

Advanced to E & R for Review with 37 ayes, 0 nays and 8 present and not voting, and 4 absent and not voting.

LEGISLATIVE BILL 50. Title read. Considered.

Mr. Barnett appealed the decision of the Chair on debating the bill before the Standing Committee amendment is voted on.

The question is, "Shall the Chair be overruled?"

The motion lost with 5 ayes, 22 nays, 18 present and not voting, and 4 absent and not voting. The Chair was sustained.

Standing Committee amendment found in the Journal on page 268 for the Tenth Day was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 absent and not voting.

Advanced to E & R for Review with 36 ayes, 0 nays, 9 present and not voting, and 4 absent and not voting.

Mr. George asked unanimous consent to expedite LB 50. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce & Insurance

LB 279	Monday, January 31, 1977	10:00 a.m.
LB 58	Monday, January 31, 1977	10:45 a.m.
LB 157	Monday, January 31, 1977	11:00 a.m.
LB 202	Monday, January 31, 1977	11:15 a.m.
LB 218	Monday, January 31, 1977	2:40 p.m.
LB 224	Monday, January 31, 1977	3:20 p.m.
LB 385	Tuesday, February 1, 1977	10:00 a.m.
LB 225	Tuesday, February 1, 1977	2:00 p.m.
LB 246	Tuesday, February 1, 1977	2:30 p.m.
LB 261	Tuesday, February 1, 1977	3:00 p.m.
LB 262	Tuesday, February 1, 1977	3:30 p.m.
LB331	Monday, January 31, 1977	2:00 p.m.

(Signed) John D. DeCamp, Chairman

MOTION—Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Agriculture and Environment Committee (Request No. 724).

The motion prevailed with 31 ayes, 0 nays,14 present and not voting, and 4 absent and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 472. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Lamb, 43rd District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 60-1701, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle inspections; to exempt implements of husbandry from the annual inspections; and to repeal the original section.

EXPLANATION OF VOTE

Had my voting machine button been working, I would have voted "aye" on LB 50.

(Signed) Herb Duis

ADJOURNMENT

At 10:01 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, January 26, 1977.

Vincent D. Brown
Clerk of the Legislature

TWELFTH DAY—JANUARY 26, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 26, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

The roll was called and all members were present except Messrs. Koch and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eleventh Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 50. Placed on Select File as amended.
E & R amendment to LB 50:
1. In the title, line 6, strike "and"; and
in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 82. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Public Works

395	Wednesday, February 2, 1977	10:00 a.m.
396	Wednesday, February 2, 1977	10:00 a.m.
227	Wednesday, February 2, 1977	2:00 p.m.
248	Wednesday, February 2, 1977	2:00 p.m.
255	Thursday, February 3, 1977	10:00 a.m.
405	Thursday, February 3,1977	10:00 a.m.
174	Thursday, February 3, 1977	2:00 p.m.
228	Thursday, February 3, 1977	2:00 p.m.
267	Thursday, February 3, 1977	2:00 p.m.

393	Friday, February 4, 1977	10:00 a.m.
404	Friday, February 4, 1977	10:00 a.m.
314	Friday, February 4, 1977	2:00 p.m.
316	Friday, February 4, 1977	2:00 p.m.
214	Wednesday, February 9, 1977	2:00 p.m.
181	Thursday, February 10, 1977	2:00 p.m.
236	Thursday, February 10, 1977	2:00 p.m.
324	Thursday, February 10, 1977	2:00 p.m.
139	Thursday, February 17, 1977	2:00 p.m.
185	Thursday, February 17, 1977	2:00 p.m.
230	Friday, February 18, 1977	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Banking, Commerce & Insurance

LB 332	Monday, January 31, 1977	2:00 p.m.
LB 266	Monday, January 31, 1977	11:15 a.m.
LB 202	Cancelled Monday, January 31, 1977	11:15 a.m.
LB 331	Cancelled Monday, January 31, 1977	2:00 p.m.

(Signed) John W. DeCamp, Chairman

Revenue

LB 192	Monday, January 31, 1977	2:00 p.m.
LB 170	Tuesday, February 1, 1977	2:00 p.m.
LB 131	Wednesday, February 2, 1977	2:00 p.m.

(Signed) Orval Keyes, Chairman

Urban Affairs

LB 1	Wednesday, February 2, 1977	10:00 a.m.
LB 36	Wednesday, February 2, 1977	2:00 p.m.

(Signed) Walter George, Chairman

ANNOUNCEMENT

Mr. George announced an executive session following the hearing on LB 1.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
437	Appropriations	455	Judiciary
438	Judiciary	456	Judiciary
439	Public Works	457	Education
440	Education	458	Gov. Mil. & Vets. Afrs.
441	Education	459	Education
442	Education	460	Agric. & Env.
443	Education	461	Revenue
444	Education	462	Misc. Subjects
445	Education	463	Public Works
446	Education	464	Bkg. Comm. & Ins.
447	Public Works	465	Bkg. Comm. & Ins.
448	Gov. Mil. & Vets. Afrs.	466	Neb. Ret. Systems
449	Appropriations	467	Neb. Ret. Systems
450	Public Works	468	Judiciary
451	Judiciary	469	Cons. Rev. & Rec.
452	Judiciary	470	Education
453	Judiciary	471	Pub. Hlth. & Wel.
454	Judiciary	472	Public Works

(Signed) Richard D. Marvel, Chairman

SELECT FILE

LEGISLATIVE BILL 85. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 116. Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 47. Title read. Considered.

Mr. Kremer offered the following amendment to the standing committee amendment:
On page 3, line 6, of the bill, amendment should read
"which is subject to Chapter 60, article 14" instead
of article 1.

The amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 absent and not voting.

Standing Committee amendments found in the Journal on page 279 for the Eleventh Day, First Session, were adopted, as amended, with 33 ayes, 0 nays, 14 present and not voting, and 2 absent and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 absent and not voting.

UNANIMOUS CONSENT—Consider LB 50 on Select File

Mr. Nichol asked unanimous consent to consider LB 50 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 50. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for engrossment.

NOTICE OF COMMITTEE HEARINGS
Education

LB 378	Tuesday, February 1, 1977	2:00 p.m.

(Signed) F. Lewis, Chairman

Miscellaneous Subjects

LB 240	Thursday, February 3, 1977	2:00 p.m.
LB 4	Thursday, February 3, 1977	2:00 p.m.
LB 326	Thursday, February 3, 1977	2:00 p.m.
LB 293	Friday, February 4, 1977	2:00 p.m.
LB 401	Friday, February 4, 1977	2:00 p.m.
LB 19	Thursday, February 10, 1977	2:00 p.m.
LB 210	Thursday, February 10, 1977	2:00 p.m.
LB 376	Thursday, February 10, 1977	2:00 p.m.
LB 362	Friday, February 11, 1977	2:00 p.m.
LB 415	Friday, February 11, 1977	2:00 p.m.

(Signed) Donald N. Dworak, Chairman

MOTION–Rule Change

Mr. Barnett offered the following rule change:

Rule 1 – Officers and Employees
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~~ a challenge to the Legislature by any member, on which ~~appeal~~ challenge no member may speak more than once, unless by leave of the Legislature. A majority of the elected members ~~may overrule the Chair.~~ shall be required to sustain the chair at any time the chair is challenged by a member of the Legislature. The chair shall state the subject of the challenge clearly prior to putting the matter to a vote and shall phrase the question as follows:

CHAIR: The question is, "Shall the decision of the chair be sustained?"

Referred to the Rules Committee.

ADJOURNMENT

At 9:19 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, January 27, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTEENTH DAY–JANUARY 27, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 27, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Robert B. Ohman from Westminster Presbyterian Church, Lincoln, Nebraska.

> Our Father, in the middle of the complicated situations of life and the unsolved problems of the world, deliver these elected representatives from any sense of futility. Enable them to understand that God's power has never been obstructed by difficulties, nor has love been limited by the confusion of human plans. May the very failure of our best resources and ideas impel us toward the resources of God. Grant that all questions immediately before us may be made so plain that we shall have no doubts as we make our decision, or regrets after it is made. For Jesus's sake. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Koch and Kremer who were excused, and Mr. Newell who was absent until 9:40 a.m.

CORRECTIONS FOR THE JOURNAL

Page 285, line 5, delete "FIRST" and insert "TWELFTH".
The Journal for the Twelfth Day was approved as corrected.

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REPORT OF EXECUTIVE BOARD

January 26, 1977

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

Attached hereto is a copy of "A STATEMENT OF POLICIES ESTABLISHED BY THE LEGISLATIVE COUNCIL EXECUTIVE BOARD". This statement covers all policies established in the following areas:

1. Referral of bills
2. Personnel
3. Travel
4. Coffee

This statement is being given to you for your information, and if you have any questions whatsoever in any of these areas, please do not hesitate to contact me.

As new policies are established, or changes are made in present policies, you will be kept fully informed.

Sincerely,

(Signed) Richard D. Marvel, Chairman
Legislative Council Executive
Board

RDM/ss
Attachment

A STATEMENT OF POLICIES ESTABLISHED BY THE LEGISLATIVE COUNCIL EXECUTIVE BOARD 1977

BILL REFERRAL

Bill Referral Policies Established by the
Legislative Council Executive Board
1977

January 11, 1977:

Motion was made by Senator Jack Mills, seconded by Senator Roland Luedtke, that the following policy be established relative to the procedure of receiving objections to the referral of bills: The protest must be received

from either the introducer of the legislation, the Chairman of the committee to which the bill was originally referred, or the Chairman of the committee to which the bill is reassigned. Motion carried by a vote of seven ayes and two absent and not voting.

Motion was made by Senator Stoney, seconded by Senator Luedtke, that the members of the Legislature be duly notified by entering into the Daily Legislative Journal the following policy which the Executive Board has adopted regarding the reference of bills. The motion was adopted by a vote of seven ayes and two absent and not voting.

> Any protest regarding the referral of bills must be received from either the introducer of the legislation, the Chairman of the committee to which the bill was originally referred, or the Chairman of the committee to which the bill is reassigned".

A motion was made by Senator Mills, seconded by Senator Savage, that if an appeal in the matter of bill referral is brought before the Executive Board in the proper manner, said appeal must be acted upon either affirmatively or negatively. Motion was adopted by a vote of seven ayes and two absent and not voting.

PERSONNEL

Legislative Council Executive Board

January 6, 1977

A motion was made by a Senator Savage, seconded by Senator R. Lewis, that the Chairman of the Executive Board be authorized to appoint a Task Force consisting of three members of the Board to commence to gather whatever information is available on employee policy and related areas, and report back to the Executive Board on Monday, January 10, 1977. The function of this Task Force would be to bring to the Board some recommendations as to future employee policy. Motion carried.

Appointed to the Task Force were: Senator Jack Mills, Senator Steve Fowler, and Senator William Nichol.

Personnel Policies Established by the Legislative Council Executive Board 1977

January 11, 1977

A motion was made by Senator Steve Fowler, seconded by Senator John Savage, that the following personnel policy be established by the Executive Board pertaining to all standing committees, with the exception of the Appropriations Committee. The motion was adopted by a vote of six ayes and three absent and not voting.

"Research staff up to one fulltime annual position. Person will be co-assigned to Dr. Rodger's office, especially during the interim. Staff available to both committee members and to the full Legislature. Priority for research requests shall be the chairman first, committee second, and the full Legislature third. Committee may request additional research assistance from the Executive Board. (Includes special studies and grants.)

"Committee Clerk - up to one fulltime secretary/administrative assistant.

"For the committee chairman - up to one fulltime secretary/administrative assistant."

Legislative Council Executive Board

January 17, 1977

A motion was made by Senator Richard Lewis, seconded by Senator Larry Stoney, that Option 1a of the attached be accepted with the stipulation that Dr. Jack Rodgers, Director of Research, be given sufficient latitude in hiring procedures to take care of the demands of legislators for research assistance. Motion carried.

1a. One fulltime annual position administrative assistant/secretary. Rely on student interns and committee staff for research information.

Legislative Council Executive Board

January 18, 1977

A motion was made by Senator William Nichol, seconded by Senator Richard Lewis, that the Executive Board continue the present agency policy of not paying overtime to the Senator's secretaries. Motion carried by a unanimous vote of the Board.

A motion was made by Senator Steve Fowler, seconded by Senator Douglas Bereuter, that the Executive Board approve the practice of the carry-over of unused vacation time by legislative employees for the present year, and that this policy be thoroughly reviewed by the Task Force on Personnel for a decision on recommendations for ensuing years. Motion carried unanimously.

Legislative Council Executive Board

January 19, 1977

A motion was made by Senator Savage, seconded by Senator R. Lewis, that the Executive Board allow Senator Pat Venditte to continue to have his wife as his secretary until the end of the present 90-day legislative session.

A motion was made by Senator Bereuter, seconded by Senator Fowler, to amend the Savage motion to read "furthermore, it should be the policy of the Legislature not to permit immediate members of the family of senators to be employed by the Legislature effective July 1, 1977." Motion carried by a vote of 7 ayes and 2 nays. The Savage motion, as amended, carried by a unanimous vote of the Board.

Legislative Council Executive Board

January 25, 1977

A motion was made by Senator Bereuter, seconded by Senator Savage, that the Mills Task Force proceed with the review of salaries and report back to the Board with recommendation on minimums and maximums for the various types of legislative personnel, including research, counsel, administrative assistants/secretaries, committee clerks, and the Assistant to the Speaker. Motion carried by a vote of 9 ayes.

TRAVEL

Legislative Council Executive Board

January 6, 1977

A motion was made by Senator Jack Mills, seconded by Senator John Savage, that a Task Force of three members of the Board be appointed to formulate a travel policy for the Legislature and for legislative staff. Motion carried.

Appointed to the Task Force were: Senators Larry Stoney, (Chairman, Intergovernmental Cooperation); Doug Bereuter, and Richard Lewis.

Legislative Council Executive Board

January 17, 1977

A motion was made by Senator Savage, seconded by Senator Luedtke, that the Intergovernmental Cooperation Committee continue using the guidelines as set out in the Stoney letter of January 10, 1977. Motion carried. (Copy of letter attached).

Motion was made by Senator Fowler, seconded by Senator Lewis, that the Savage motion be amended to read that such travel limitation include that a legislator may travel on a subject related to legislation that they have introduced or are considering introducing. Motion carried.

January 10, 1977

TO: EXECUTIVE BOARD, LEGISLATIVE COUNCIL

FROM: Larry D. Stoney, Chairman, Intergovernmental Cooperation Committee

As Chairman of the Intergovernmental Cooperation Committee, I would ask for confirmation of the Executive Board to either retain, implement, or refine the following practices and procedures:

1. Travel Authorization – Guidelines for travel by designated personnel have been established and confirmed by the Executive Board. All travel requests must be submitted to the Chairman of the Intergovernmental Cooperation Committee in writing no later than one week prior to anticipated travel. The person requesting travel will be notified as promptly as possible as to whether the request has been approved or denied. When travel requests are approved, the Legislative Council and Accounting Office will be notified so that necessary reservations can be made and debits made to the proper accounts.

2. Expense Vouchers – It is imperative that vouchers for expenses for authorized travel be submitted within thirty days after return.

3. Interim Committees – Interim study committees are authorized to incur normal expenses on instate travel. Extraordinary expenses anticipated to be incurred for week long trips within the state as well as all travel outside the state must have prior approval by the Intergovernmental Cooperation Committee. Committee Chairmen are asked to seek approval by request for themselves, committee members, and staff who will be participating.

4. Individual travel during interim – Senators requesting expenses for individual in-state, and out of state travel must obtain prior approval. This can be obtained through the Intergovernmental Cooperation Committee Chairman.

5. Senatorial staff and secretaries – Travel by such persons will be prohibited except in extraordinary cases. In these extraordinary cases, prior approval must be obtained by the requesting senator through the Intergovernmental Cooperation Committee. In those cases where approval is obtained, the staff expense vouchers must be countersigned by the requesting senator.

6. State owned or privately chartered aircraft – All such requests must be made and approved by the Intergovernmental Cooperation Committee. The request must be in writing and signed by the senator making the request before the trip is made.

7. Committee Staff Travel – All requests for committee staff travel in accompaniment or in lieu of committee chairman or committee member must have the majority approval of the appropriate committee. All requests meeting the above criteria must then be made and approved by the Intergovernmental Cooperation Committee before the trip is made.

8. Travel Report Requirements – In addition to senators providing agendas for meetings attended prior to travel where applicable, each will be required to submit upon return, a brief report covering the meeting. Copies of these reports will then be distributed to the Committee responsible for subject matter, or the Legislature collectively. Subsequent trips will not be approved unless there is strict adherence to this practice.

9. Travel Limitations – Travel will be limited to those making requests to their individual areas of responsibility. As an example, legislators will be limited in traveling on subjects relating directly to their individual committee assignments. To be approved, travel must relate to legislative rather than personal responsibilities.

10. Travel disapproval appeals procedure – Any person requesting travel which is denied by the Intergovernmental Cooperation Committee will have an opportunity to appeal. That appeal can be made by petitioning the Executive Board of the Legislature. The decision of the Executive Board will be final.

COFFEE

Legislative Council Executive Board

January 10, 1977

A motion was made by Senator Bereuter, seconded by Senator Stoney, that the Legislature continue the procedure established during the 1976 session, of allowing each member, employee, etc., to contribute to the coffee fund (each person to furnish his or her own cup), and the fees assessed be in accordance with costs. Motion carried.

****

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 26, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Andersen, Edward – Waterloo, Nebraska State Grange
Law firm of Crosby, Guenzel, Davis, Kessner & Kuester: Davis, Donn E. - Lincoln, The Tobacco Institute, Inc.
Cunningham, James R. - Lincoln, Nebraska Catholic Conference
Danielson, J. Arthur - Lincoln, Finance Committee for Christian Science Churches in Nebraska

Hadley, Roger L. - Omaha, Douglas County Sheriff Dept. Employees Association
Hubbard, Robert W. - Omaha, Fraternal Order of Police Douglas County Lodge No. 2
Huff, Charles P. - Lincoln, Great Western Sugar Company; Nebraska Cable Communications Association; Nebraska Lodging Association; Nebraska State Association of Life Underwriters
Lynch, John E. - Lincoln, Crosby, Guenzel, Davis, Kessner & Kuester
Neal, Jeam D. Jr. - Austin, Texas, Hoffmann LaRoche Inc.
O'Neill, John F. - Lincoln, Lincoln Mutual Life
Park, Dan C. - Omaha, American Consulting Engineers Council/Nebraska
Ryan, James E. - Lincoln, Committee for Review of Bingo Laws; Personal Property Tax Relief Committee
Siefkes, Herman - Lincoln, Nebraska Restaurant Association
Stanley, Cecil E. - Lincoln, Nebraska Vocational Association

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 23. Placed on Select File as amended.
E & R amendments to LB 23:
1. On page 5, line 7, strike "hereof,".
2. On page 8, line 8, strike the new matter and insert the same after "to".
3. On page 10, line 7, strike "by the clerk of the county".

LEGISLATIVE BILL 49. Placed on Select File as amended.
E & R amendment to LB 49:
1. In the title, insert "at which" at the end of line 4; and in lines 5 and 6 strike "and other human tissues".

LEGISLATIVE BILL 72. Placed on Select File as amended.
E & R amendments to LB 72:
1. On page 2, line 12, insert "that of" after the second "as".
2. On page 5, line 5, strike "hereunder" and insert "under this act".
3. In the title, line 4, strike "and"; and in line 5 insert "; and to declare an emergency" after "penalties".

LEGISLATIVE BILL 96. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 50, 85, 116.

(Signed) Samuel Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Miscellaneous Subjects

LB 310	Thursday, February 17, 1977	2:00 p.m.
LB 213	Thursday, February 17, 1977	2:00 p.m.
LB 426	Friday, February 18, 1977	2:00 p.m.
LB 369	Friday, February 18, 1977	2:00 p.m.
LB 386	Friday, February 18, 1977	2:00 p.m.
LB 329	Thursday, February 24, 1977	2:00 p.m.
LB 370	Thursday, February 24, 1977	2:00 p.m.

(Signed) Donald N. Dworak, Chairman

Committee on Committees

The Committee on Committees will meet at 12:00 Noon, Thursday, February 3, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

DR. WARREN BOSLEY

416 W. Division, Grand Island, Nebraska, appointment to the Special Education Appeal Board.

E. A. COOK III

Box 1000, Lexington, Nebraska, appointment to the Special Education Appeal Board.

DR. MARY KRIDER

4264 A St., Lincoln, Nebraska, appointment to the Special Education Appeal Board.

DOROTHY LEY

518 Hillcrest Road, Wayne, Nebraska, appointment to the Special Education Appeal Board.

BRUCE PETERS

2319 E. Military, Fremont, Nebraska, 68025, appointment to the State Personnel Board.

ROBERT SNOW

3430 Washington, Lincoln, Nebraska, appointment to the Special Education Appeal Board.

RALPH LUBECK

Stamford, Nebraska, appointment to Board of Educational Lands & Funds.

(Signed) John S. Savage, Chairman

Business and Labor

LB 199	Wednesday, February 2, 1977	2:00 p.m.
LB 302	Wednesday, February 2, 1977	2:00 p.m.
LB 399	Wednesday, February 2, 1977	2:00 p.m.
LB 154	Wednesday, February 9, 1977	2:00 p.m.
LB 424	Wednesday, February 9, 1977	2:00 p.m.

(Signed) Richard Maresh, Chairman

BILLS ON FIRST READING

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

LEGISLATIVE BILL 473. By Marsh, 29th District, at request of Governor.

A BILL FOR AN ACT to amend section 72-1119, Revised Statutes Supplement, 1976, relating to standards for public buildings; to transfer responsibility for enforcement to the State Fire Marshal; and to repeal the original section.

MOTION—Introduce Bill

Mr. R. Lewis moved the introduction of a new bill by the Committee on Public Health and Welfare (Req. No. 738).

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 absent and not voting.

LEGISLATIVE BILL 474. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Kelly, 35th District; Moylan, 6th District; Boughn, 21st District; Rasmussen, 41st District; Maresh, 32nd District.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to provide for transfer of cases in which a treatment disposition has been ordered as prescribed.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 3. With Emergency.

A BILL FOR AN ACT to amend section 49-501, Reissue Revised Statutes of Nebraska, 1943, relating to the publication and distribution of session laws and journals; to eliminate the maximum number of session laws and journals that may be printed; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	Hasebroock
Hefner	Kahle	Kelly	Keyes	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Mills	Murphy
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 5:

Burrows	George	Goodrich	Marvel	Moylan

Absent and not voting, 3:

Koch	Kremer	Newell

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

LEGISLATIVE BILL 5. With Emergency.

A BILL FOR AN ACT to amend section 24-516, Reissue Revised Statutes of Nebraska, 1943, relating to county courts; to harmonize provisions; to repeal the original section, and also section 24-504, 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	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Hasebroock	Hefner	Kahle	Kelly	Keyes
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Maxey	Merz	Mills
Murphy	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 4:

Brennan	Goodrich	Marvel	Moylan

Absent and not voting, 3:

Koch	Kremer	Newell

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 6.

A BILL FOR AN ACT to amend section 77-1856, Reissue Revised Statutes of Nebraska, 1943, relating to taxation; to harmonize with previous legislation; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fowler	George
Hasebroock	Hefner	Kahle	Kelly	Keyes
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke

Maresh	Marsh	Maxey	Merz	Mills
Moylan	Murphy	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 3:

Fitzgerald	Goodrich	Marvel

Absent and not voting, 3:

Koch	Kremer	Newell

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 sections 49-704, 49-705, 49-707, 49-765, and 49-767, Reissue Revised Statutes of Nebraska, 1943, relating to statute revision; to clarify powers and duties of the Revisor of Statutes as prescribed; and to repeal the original sections, and also sections 49-702.01, 49-705.01, 49-706, 49-721 to 49-764, and 49-768, Reissue Revised Statutes of Nebraska, 1943, and section 49-766, Revised Statutes Supplement, 1976.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Merz
Mills	Moylan	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 3:

Marvel Maxey Murphy

Absent and not voting, 3:

Koch Kremer Newell

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

LEGISLATIVE BILL 9.

A BILL FOR AN ACT to amend section 24-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Supreme Court; to change the distribution of the Supreme Court Reports; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Maxey	Merz	Mills
Moylan	Murphy	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0:

Present and not voting, 3:

Brennan R. Lewis Marvel

Absent and not voting, 3:

Koch Kremer Newell

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

ANNOUNCEMENT

Mr. Swigart reported former Senator George Syas is in the hospital and doing fine after surgery.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 117. Placed on General File as amended.
Standing Committee amendment to LB 117:

1. On page 3, lines 20 through 27, strike the new matter and insert "If a family resides in a Class I district which is part of a Class VI district, and has students enrolled in any grade of grades kindergarten through six in the Class I district and in any grade of grades seven and eight in the Class VI district, such family shall receive not more than one allowance for the distance actually traveled when both districts are on the same direct travel route with one district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved. Unless the parties involved can not mutually agree, the county superintendent of the district in which the school attended is located shall determine the prorata share to be paid by each district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper prorata amount each district shall pay.".

LEGISLATIVE BILL 146. Placed on General File as amended.
Standing Committee amendment to LB 146:

1. On page 2, line 10 after the period insert "The authority granted pursuant to this section shall terminate three years after the effective date of this act."

(Signed) Frank Lewis, Chairman

MOTION—Withdraw LB 206

Mr. Clark moved to withdraw LB 206.

Motion pending.

UNANIMOUS CONSENT – Print in Journal

Mr. DeCamp asked unanimous consent to have the following amendments to LB 23 printed in the Journal. No objections. So ordered.

1. On page 5, line 4, insert ", except as provided in subsection (3) of this section," after the second "such".

2. On page 5, insert a new subsection after line 11 as follows:

"(3) The liability of a general partner who has been removed or not reelected shall be as follows:

(a) He shall not be liable for any new liabilities incurred after compliance with the provisions of subsection (2) of this section; and

(b) He shall be liable, irrespective of whether or not his consent is given, for all liabilities existing at the time of his removal or loss of reelection which are extended or renewed in any manner.".

MOTION – Re-refer LB 56

Mr. Schmit moved to re-refer LB 56 from the Government, Military and Veterans Affairs Committee to the Agriculture and Environment Committee.

Motion pending.

MOTION – Re-refer LB 95

Mr. Schmit moved to re-refer LB 95 from the Government, Military and Veterans Affairs Committee to the Agriculture and Environment Committee.

Motion pending.

MOTION – Re-refer LB 186

Mr. Schmit moved to re-refer LB 186 from the Government, Military and Veterans Affairs Committee to the Agriculture and Environment Committee.

Motion pending.

UNANIMOUS CONSENT – Member Excused

Mr. F. Lewis asked unanimous consent to be excused at 4:00 p.m. today. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 172	Thursday, February 3, 1977	10:00 a.m.
LB 273	Thursday, February 3, 1977	10:00 a.m.
LB 304	Friday, February 4, 1977	10:00 a.m.
LB 458	Friday, February 4, 1977	10:00 a.m.

(Signed) Dennis Rasmussen, Chairman

Public Works

LB 180	Wednesday, February 9, 1977	2:00 p.m.
LB 429	Wednesday, February 9, 1977	2:00 p.m.
LB 379	Friday, February 11, 1977	2:00 p.m.
LB 402	Friday, February 11, 1977	2:00 p.m.
LB 419	Friday, February 11, 1977	2:00 p.m.
LB 149	Wednesday, February 16, 1977	2:00 p.m.
LB 277	Wednesday, February 16, 1977	2:00 p.m.
LB 313	Wednesday, February 16, 1977	2:00 p.m.
LB 298	Wednesday, February 23, 1977	2:00 p.m.
LB 299	Wednesday, February 23, 1977	2:00 p.m.
LB 300	Wednesday, February 23, 1977	2:00 p.m.
LB 249	Thursday, February 24, 1977	2:00 p.m.
LB 178	Friday, February 25, 1977	2:00 p.m.

(Signed) Jack Mills, Vice Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 17. Placed on General File as amended.
Standing Committee amendments to LB 17:

1. On page 2, line 15 strike "shall" and insert "~~shall~~ may"; line 18 after "and" insert "shall"; line 27, after "convicted" strike "shall" and insert "~~shall~~ may".

2. On page 3, line 4 after "and" insert "shall".

3. On page 4, lines 2 and 15 after "convicted" strike "shall" and insert "~~shall~~ may"; and lines 5 and 18 after "and" insert "shall".

(Signed) Wally Barnett, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 6.

Introduced by Newell, 13th District; Simon, 31st District; Savage, 10th District.

WHEREAS, former State Senator George D. Syas served with distinction in the Nebraska Legislature for twenty-six years from 1950 until 1976; and

WHEREAS, his knowledge of the Nebraska legislative process together with his spirited and dedicated public service have earned the respect of his former colleagues and Nebraskans everywhere; and

WHEREAS, circumstance has compelled him to undergo recent hospitalization and medical care.

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

1. That the Legislature wishes George Syas a rapid and complete recovery.

2. That a copy of this resolution be delivered to George Syas as an expression of warmest regard.

Laid over.

ANNOUNCEMENT

Mr. Maresh announced an executive session of the Business and Labor Committee at 10:00 a.m., on February 2, 1977 in the Supreme Court Hearing Room.

MOTION – Re-refer LB 434

Mr. Schmit moved to re-refer LB 434 from the Government, Military and Veterans Affairs Committee to the Agriculture and Environment Committee.

Motion pending.

UNANIMOUS CONSENT – Add Co-introducers

Mr. Warner asked unanimous consent to add the following names as co-introducers to LB 459, Special Interim Study bill: Dworak, Stoney, Savage, Marvel, F. Lewis and Murphy. No objections. So ordered.

VISITORS

The President introduced 13 Seniors and teacher from Gresham Public Schools, Gresham, Nebraska.

RECESS

At 10:04 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 4:00 p.m.

AFTER RECESS

The Legislature reconvened at 4:02 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Koch, F. Lewis, and Kremer who were excused, and Messrs. Brennan, Burrows, Chambers, DeCamp, Murphy, Rumery, and Mrs. Marsh who were absent, and Mrs. Labedz who was absent until 4:20 p.m.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 193. Placed on General File as amended.
Standing Committee amendments to LB 193:

1. On page 2, line 3, after "of" insert "state".
2. On page 3, line 6, after "shall" insert ",at the direction of the Performance Review and Audit Committee,"; line 8, after "of" insert "state" and after "government" insert "and state aid programs".
3. On page 4, lines 10 and 11 reinstate the stricken matter; in line 12, reinstate "~~audit staff~~", and strike "To", and insert ", and to"; and in line 21 strike "auditing" and insert "~~auditing~~ performance review".
4. On page 6, line 24, strike the underscored period, reinstate the stricken semicolon and insert "and"; and in lines 25 through 27, reinstate the stricken matter.
5. On page 7, reinstate the stricken matter beginning with "on" in line 1 through "audits" in line 7; and in line 7 after the reinstated "audits" insert an underscored period.

6. On page 8, line 15, after "Performance" insert "and Audit"; and in line 18 after "government" insert "and state aid programs".

7. On page 9, line 18 after "1976," insert "and also section 50-701, Revised Statutes Supplement, 1976,".

(Signed) Jerome Warner, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 29. Placed on General File.
LEGISLATIVE BILL 84. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

Revenue

LEGISLATIVE BILL 16. Indefinitely postponed.
LEGISLATIVE BILL 26. Indefinitely postponed.
LEGISLATIVE BILL 32. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

Urban Affairs

LEGISLATIVE BILL 13. Placed on General File as amended.
Standing Committee amendments to LB 13:

1. On page 2, line 5 and 19 after "1943" insert "and such other handicapped persons, as certified by the city or village, whose vehicles display some identification as determined by the city or village"; in line 7 after "indicated" insert "either"; in line 8 after "space" insert "or by a sign as described in section 2 of this act"; and in line 26 after "an" insert "on-street or".

2. On page 3, line 1 after "paraplegics" insert "or handicapped persons"; in line 2 after "displaying" insert "proper identification or"; strike line 6 through line 8 and insert "area so designated as a tow in zone.".

(Signed) Walter George, Chairman

NOTICE OF COMMITEE HEARINGS
Appropriations

LB 365 Monday, February 7, 1977 2:00 p.m.
Agency Hearings Monday, February 7, 1977 2:00 p.m.
Drug Commission
Equal Employment Opportunity
Mexican-American
Commission on Aging

Agency Hearings Tuesday, February 8, 1977 2:00 p.m.
Library Commission
Historical Society
Arts Council
Health

LB 364 Wednesday, February 9, 1977 2:00 p.m.
Agency Hearings Wednesday, February 9, 1977 2:00 p.m.
Investment Council
Fire Marshal
Joint Merit System
State Personnel

Agency Hearings Thursday, February 10, 1977 2:00 p.m.
Court of Industrial Relations
State Claims Board
Agricultural Products
District Court

LB 383 Friday, February 11, 1977 2:00 p.m.
LB 413 Friday, February 11, 1977 2:00 p.m.

Agency Hearings Monday, February 14, 1977 2:00 p.m.
Supreme Court
Governor
Lt. Governor
Crime Commission
Military Department

Agency Hearings Tuesday, February 15, 1977 2:00 p.m.
Administrative Services
State Office of Planning & Programming
Attorney General

Agency Hearings	Wednesday, February 16, 1977	2:00 p.m.
Agriculture		
Water Resources		
Natural Resources Commission		
Agency Hearings	Thursday, February 17, 1977	2:00 p.m.
Educational Television		
Environmental Control		
Coordinating Commission		
Agency Hearings	Monday, February 21, 1977	2:00 p.m.
Institutions		
Mental Health		
Mental Retardation		
Veterans Home		
Labor		
Agency Hearings	Tuesday, February 22, 1977	2:00 p.m.
Education		
Vocational Rehabilitation		
Vocational Education		
Special Education		
Welfare		
Agency Hearings	Wednesday, February 23, 1977	2:00 p.m.
Department of Corrections		
Revenue Department		
Agency Hearings	Thursday, February 24, 1977	2:00 p.m.
Public Services Commission		
Agency Hearings	Monday, February 28, 1977	2:00 p.m.
Secretary of State		
Motor Vehicles		
Game and Parks Commission		
Agency Hearings	Tuesday, March 1, 1977	2:00 p.m.
Department of Roads		
State Patrol		
Economic Development		
Indian Commission		
Agency Hearings	Wednesday, March 2, 1977	2:00 p.m.
Legislative Council		
Executive Session	Thursday, March 3, 1977	2:00 p.m.

Agency Hearings Issues in Higher Education	March 7 thru March 10, 1977	2:00 p.m.
Agency Hearings State Colleges	March 14, March 15, 1977	2:00 p.m.
Agency Hearings Technical Colleges	March 16, 1977	2:00 p.m.
Executive Session	March 17, 1977	2:00 p.m.
Agency Hearings University of Nebraska	March 21, 22, 23, 1977	2:00 p.m.

(Signed) Jerome Warner, Chairman

Public Works

LB 298 cancelled	Wednesday, February 23, 1977	2:00 p.m.
LB 299 cancelled	Wednesday, February 23, 1977	2:00 p.m.
LB 300 cancelled	Wednesday, February 23, 1977	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Banking, Commerce and Insurance

LB 209	Monday, February 7, 1977	1:30 p.m.
LB 251	Monday, February 7, 1977	2:15 p.m.
LB 258	Monday, February 7, 1977	2:45 p.m.
LB 259	Monday, February 7, 1977	4:00 p.m.
LB 260	Tuesday, February 8, 1977	1:30 p.m.
LB 263	Tuesday, February 8, 1977	1:50 p.m.
LB 264	Tuesday, February 8, 1977	2:30 p.m.
LB 265	Tuesday, February 8, 1977	2:50 p.m.
LB 289	Tuesday, February 8, 1977	3:45 p.m.
LB 290	Tuesday, February 8, 1977	4:30 p.m.

(Signed) John DeCamp, Chairman

Miscellaneous Subjects

LB 415	Friday, February 11, 1977 (Cancelled)	2:00 p.m.

LB 329	Thursday, February 24, 1977 (Cancelled)	2:00 p.m.
LB 329	Friday, February 11, 1977	2:00 p.m.
LB 462	Thursday, February 24, 1977	2:00 p.m.

(Signed) Donald Dworak, Chairman

SELECT FILE

LEGISLATIVE BILL 82. Advanced to E & R for Engrossment.

MOTION–Withdraw LB 206

Mr. Clark moved to suspend the rules to withdraw LB 206 and cancel the hearing date of January 31, 1977.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 absent and not voting.

The motion to withdraw and cancel the hearing prevailed with 29 ayes, 4 nays, 8 present and not voting, and 8 absent and not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
473	Misc. Subjects
474	Pub. Hlth & Wel.

(Signed) John S. Savage; Jack Mills; Steve Fowler; Douglas Bereuter; Roland A. Luedtke; Larry D. Stoney; William Nichol; Richard D. Marvel; Richard Lewis

NOTICE OF COMMITTEE HEARINGS
Public Health and Welfare

LB 380	Monday, February 7, 1977	2:00 p.m.
LB 372	Tuesday, February 8, 1977	2:00 p.m.
LB 311	Tuesday, February 8, 1977	2:00 p.m.
LB 312	Tuesday, February 8, 1977	2:00 p.m.
LB 306	Monday, February 14, 1977	2:00 p.m.
LB 307	Monday, February 14, 1977	2:00 p.m.
LB 387	Tuesday, February 15, 1977	2:00 p.m.
LB 317	Tuesday, Febraury 15, 1977	2:00 p.m.

LB 406	Monday, February 21, 1977	2:00 p.m.
LB 409	Monday, February 21, 1977	2:00 p.m.
LB 412	Monday, February 21, 1977	2:00 p.m.
LB 397	Tuesday, February 22, 1977	2:00 p.m.
LB 432	Tuesday, February 22, 1977	2:00 p.m.

(Signed) Richard Lewis, Chairman

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 57. Placed on General File.

(Signed) Walter George, Chairman

Government, Military & Veterans Affairs

LEGISLATIVE BILL 68. Indefinitely postponed.

(Signed) Dennis Rasmussen, Chairman

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 52	Friday, February 4, 1977 (Cancelled)	1:30 p.m.

(Signed) Loran Schmit, Chairman

MOTION – Resume Debate on LB 56

Mr. Bereuter moved to resume the debate on re-referral of LB 56 and set aside the Speaker's order of this morning.

Mr. Schmit requested a showing on the board of the members present. The tally showed 40 members present.

Mr. Bereuter asked unanimous consent to withdraw his motion. No objections. So ordered.

ADJOURNMENT

At 4:22 p.m., on a motion by Mr. Bereuter, the Legislature adjourned until 9:00 a.m., Monday, January 31, 1977.

Vincent D. Brown
Clerk of the Legislature

FOURTEENTH DAY—JANUARY 31, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 31, 1977

Pursuant to adjournment, the Legislature met at 9:00 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 be done in us and through us in our beloved State. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh who was excused; Mr. Kremer who was excused until he arrives; and Mr. Chambers who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirteenth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused January 31, 1977 through February 4, 1977. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

January 25, 1977

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

Dear Mr. President and Senators:

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

Henry J. Purdie, Plainview - succeeds Martin Kahle, resigned, term expiring June 22, 1979

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon, Governor

JJE:do
cc: Henry J. Purdie
Committee on Committees
Environmental Control Council

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 47. Placed on Select File.

(Signed) Samuel K. Cullan

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 35. Indefinitely Postponed.

(Signed) Dennis L. Rasmussen, Chairman

Public Health and Welfare

LEGISLATIVE BILL 73. Placed on General File as amended.
Standing Committee amendments to LB 73:

1. On page 2 strike beginning with "Such" in line 20 through the underscored period in line 25.

2. On page 4 strike beginning with "The" in line 11 through the underscored period in line 16.

3. On page 4, after line 24, insert the following:

"Sec. 3. This act shall become operative on January 1, 1978.".

4. Renumber original section 3 as section 4.

(Signed) Richard Lewis, Chairman

Public Works

LEGISLATIVE BILL 211. Placed on General File.
LEGISLATIVE BILL 256. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 6. Read and considered.

LR 6 was adopted with 43 ayes, 0 nays, 3 present and not voting, and 3 absent and not voting.

SELECT FILE

LEGISLATIVE BILL 23. E & R amendments found in the Journal on page 297 for the Thirteenth Day were adopted.

Mr. DeCamp renewed his pending amendments found in the Journal on page 305 for the Thirteenth Day.

The amendment was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 absent and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 49. E & R amendment found in the Journal on page 297 for the Thirteenth Day was adopted.

Mr. Swigart offered the following amendment for Mr. Chambers:

1. On page 2, line 10 after the period insert "No person seventeen or eighteen years of age shall receive compensation for any donation of whole blood without parental permission or authorization.".

The amendment was adopted with 35 ayes, 1 nay, 10 present and not voting, and 3 absent and not voting.

Mr. Swigart offered the following amendment:
Add the emergency clause on LB 49.

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 72. E & R amendments found in the Journal on page 297 for the Thirteenth Day were adopted.

Mr. Fowler offered the following amendment:
1. On page 2, line 12 after "being" insert "(1)"; strike beginning with "or" in line 14 through "parents" in line 17 and insert: ", (2) the surname of the mother, (3) the maiden surname of the mother, or (4) the hyphenated surname of both parents".

The amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 absent and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 96. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 7. By Venditte, 7th District.

I move the adoption of a resolution that we as a Legislative body, being fully aware of our National energy crisis and the impact it will undoubtedly have on the State of Nebraska, refer this problem to the proper Committee for immediate study and action.

If Legislation needs to be drafted this committee would give this action highest priority as we must do something now about the energy crisis before Nebraska begins to feel its affects as much of the rest of the Country already has. Our reserves will probably be taken if President Carter has his way in mandating that the distribution of energy be equally shared throughout the Country.

I respectfully request and recommend that as a part of this resolution we request the Governor to declare a state of emergency and that through the power vested in him that he order the closing on Sundays of all retail stores throughout the State effective immediately; and that he order all public buildings closed except during regular hours. I respectfully request

that this resolution be adopted so as to prevent the closing of our state schools at all levels and the closing of industry which would force unemployment.

The correct path is by no means obvious. But one thing is clear: Making the decisions cannot be avoided, or very long postponed. And it is one of the hallmarks of this technological age that not to decide is to decide by default.

It has been extravagant use of energy that has pushed man toward heavy exploitation of his natural resources.

In closing, I quote the great Ralph Waldo Emerson who said, "Nature never gives anything away. Everthing is sold at a price. It is only in the ideals of abstraction that choice comes without consequence."

Mr. Venditte moved to suspend the rules, Rule 4, Sec. 6, to consider LR 7 today.

Mr. Venditte moved for a Call of the House. The motion prevailed with 21 ayes, 1 nay, 24 present and not voting, and 3 absent and not voting.

The Call showed 46 members present.

Mr. Venditte requested a roll call vote.

Voting in the affirmative, 35:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Duis
Fitzgerald	Fowler	George	Kahle	Keyes
Labedz	Lamb	F. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rumery	Savage
Schmit	Stoney	Swigart	Venditte	Warner

Voting in the negative, 7:

DeCamp	Goodrich	Koch	R. Lewis	Rasmussen
Reutzel	Simon			

Present and not voting, 4:

Dworak	Hasebroock	Hefner	Kelly

Absent and not voting, 3:

Chambers	Kremer	Marsh

The motion to suspend the rules prevailed with 35 ayes, 7 nays, 4 present and not voting, and 3 absent and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 40 ayes, 0 nays, 6 present and not voting, and 3 absent and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, 8 present and not voting, and 3 absent and not voting.

LR 7 failed with 15 ayes, 21 nays, 10 present and not voting, and 3 absent and not voting.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in Room 2102 at 4:00 p.m. today.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 231. Placed on General File.

LEGISLATIVE BILL 254. Placed on General File as amended.
Standing Committee amendment to LB 254:

1. In the title, line 4, strike "remove" and insert "allow".

(Signed) Donald Dworak, Chairman

NOTICE OF COMMITTEE HEARINGS
Agriculture and Environment

LB 242	Thursday, February 10, 1977	1:30 p.m.
LB 268	Thursday, February 10, 1977	1:30 p.m.
LB 390	Thursday, February 10, 1977	1:30 p.m.
LB 435	Thursday, February 10, 1977	1:30 p.m.
LB 460	Thursday, February 10, 1977	1:30 p.m.
LB 197	Friday, February 11, 1977	1:30 p.m.
LB 308	Friday, February 11, 1977	1:30 p.m.
LB 371	Friday, February 11, 1977	1:30 p.m.
LB 433	Friday, February 11, 1977	1:30 p.m.
LB 130	Friday, February 11, 1977	1:30 p.m.

(Signed) Loran Schmit, Chairman

Banking, Commerce and Insurance

LB 338	Monday, February 14, 1977	2:00 p.m.
LB 384	Monday, February 14, 1977	2:30 p.m.
LB 333	Monday, February 14, 1977	2:45 p.m.
LB 334	Monday, February 14, 1977	3:15 p.m.
LB 335	Monday, February 14, 1977	4:00 p.m.
LB 336	Monday, February 14, 1977	4:30 p.m.
LB 361	Tuesday, February 15, 1977	1:30 p.m.
LB 366	Tuesday, February 15, 1977	3:00 p.m.
LB 305	Monday, February 21, 1977	2:00 p.m.
LB 291	Monday, February 21, 1977	3:00 p.m.
LB 331	Monday, February 21, 1977	4:15 p.m.
LB 414	Monday, February 21, 1977	4:30 p.m.
LB 18	Tuesday, February 22, 1977	2:00 p.m.
LB 303	Tuesday, February 22, 1977	3:00 p.m.
LB 48	Monday, February 28, 1977	1:30 p.m.
LB 202	Monday, February 28, 1977	2:45 p.m.
LB 207	Monday, February 28, 1977	4:00 p.m.
LB 417	Tuesday, March 1, 1977	1:30 p.m.
LB 373	Tuesday, March 1, 1977	2:30 p.m.
LB 431	Tuesday, March 1, 1977	3:00 p.m.
LB 464	Monday, March 7, 1977	1:30 p.m.
LB 465	Monday, March 7, 1977	2:30 p.m.

(Signed) John D. DeCamp, Chairman

Education

LB 389	Monday, February 7, 1977	2:00 p.m.
LB 443	Monday, February 7, 1977	2:00 p.m.
LB 339	Tuesday, February 8, 1977	2:00 p.m.
LB 375	Tuesday, February 8, 1977	2:00 p.m.
LB 428	Tuesday, February 8, 1977	2:00 p.m.
LB 441	Monday, February 14, 1977	2:00 p.m.
LB 445	Monday, February 14, 1977	2:00 p.m.

LB 442	Tuesday, February 15, 1977	2:00 p.m.
LB 446	Tuesday, February 15, 1977	2:00 p.m.
LB 459	Tuesday, February 15, 1977	2:00 p.m.
LB 403	Monday, February 21, 1977	2:00 p.m.
LB 430	Monday, February 21, 1977	2:00 p.m.
LB 457	Monday, February 21, 1977	2:00 p.m.
LB 368	Tuesday, February 22, 1977	2:00 p.m.
LB 444	Tuesday, February 22, 1977	2:00 p.m.
LB 188	Monday, February 28, 1977	2:00 p.m.
LB 215	Monday, February 28, 1977	2:00 p.m.
LB 470	Monday, February 28, 1977	2:00 p.m.

(Signed) F. Lewis, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 82

Correctly Enrolled

The following bills were correctly enrolled: 3, 5, 6, 8, and 9.

(Signed) Samuel K, Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 3, 5, 6, 8, and 9.

MOTION – Re-refer LB 56

Mr. Schmit renewed his pending motion found in the Journal on page 305 for the Thirteenth Day, to re-refer LB 56 from the Government, Military and Veterans Affairs Committee to the Agriculture and Environment Committee.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, 12 present and not voting, and 3 absent and not voting.

Mr. DeCamp requested a record vote.

Voting in the affirmative, 14:

Burrows	DeCamp	Duis	Hefner	Kahle
Keyes	Lamb	F. Lewis	Luedtke	Maresh
Merz	Rumery	Schmit	Venditte	

Voting in the negative, 26:

Barnett	Bereuter	Carsten	Clark	Cullan
Dworak	Fitzgerald	Fowler	George	Hasebroock
Koch	R. Lewis	Marvel	Maxey	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Savage	Simon	Stoney	Swigart
Warner				

Present and not voting, 6:

Boughn	Brennan	Cope	Goodrich	Kelly
Labedz				

Absent and not voting, 3:

Chambers	Kremer	Marsh

The motion to re-refer LB 56 lost with 14 ayes, 26 nays, 6 present and not voting, and 3 absent and not voting.

MOTION – Withdraw LB 200

Mr. Duis moved to withdraw LB 200. Motion pending.

VISITORS

The President introduced Mr. Gene Gerdes from Alliance, Nebraska, son of former Senator George Gerdes.

ADJOURNMENT

At 10:07 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, February 1, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTEENTH DAY–FEBRUARY 1, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 1, 1977

Pursuant to adjournment, the Legislature met at 9:00 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. When we should keep silent, restrain us from speaking, lest, in our desire to appear wise, we give ourselves away. Teach us the sacraments of silence, that we may use them to know ourselves, 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 Mrs. Marsh who was excused and Mr. Koch who was excused until he arrives, and Mrs. Labedz who was absent until 9:15 a.m., and Mr. Chambers who was absent until 9:50 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fourteenth Day was approved.

UNANIMOUS CONSENT–Member Excused

Mr. Rasmussen asked unanimous consent to be excused Wednesday, February 2, 1977. No objections. So ordered.

REPORT OF CONFLICTS OF INTEREST

Summary Report of Activities for the Years 1975-1976**
To be Filed with the Legislature
Filed January 31, 1977

During the preceeding two-year period the Conflicts of Interest Committee of the State of Nebraska conducted a total of two (2) official hearings as a result of complaints brought before the Committee by members of the public. The more significant of these was pertaining to alleged improper activities of members of the Public Service Commission. A report of the Committee's findings as to this matter were made public upon completion of the official hearing.

In addition to the above official hearings, the Committee issued three (3) advisory opinions in response to valid requests for such advisory opinions.

The remaining activities of the Committee were confined to general daily business operations and procedures.

Filed by,

(Signed) James A. Bogatz
Executive Secretary
Conflicts of Interest Committee

**This report is filed in accordance with statutory provisions of LB 75, Nebraska's Conflicts of Interest Law.

ATTORNEY GENERAL'S OPINION

Opinion No. 11
January 28, 1977

Dear Senator Bereuter:

You have asked that we review LB 172. LB 172 establishes building height restrictions within specified areas of the City of Lincoln adjacent to the State Capitol Building. These defined areas are denominated the Capitol Environs District. The restrictions set forth in LB 172 apply to all real estate owned by private, quasi-public or local governmental units. The City of Lincoln is directed to "insure through its inspection and permit process that the maximum height restrictions prescribed by this section for the Nebraska Capitol Environs District are enforced." Section 3(6) provides that the City of Lincoln may impose lower height restrictions than required by LB 172. Section 4 authorizes the state, city and county to participate in landscaping, special lighting, decorative walkway, fountain, and other beautification projects within the Capitol Environs

District. Section 5 authorizes those three governmental units to enter into joint financing of such activities. You specifically raise the question of whether the state may enact such legislation in view of the general zoning authority granted to the City of Lincoln.

The power to zone arises by virtue of the sovereignty of the state. In Nebraska it has been determined that municipalities and counties may enact zoning legislation only as authorized by statute or the Constitution. Peterson v. Vasak, 162 Neb. 498, 76 N.W.2d 420. Such regulations may only be exercised as provided for by the statutes conferring the zoning power. Some states have held that where a zoning statute supersedes an existing local zoning ordinance or regulation, the statute is paramount and controls. Texas Co. v. City of Tampa, 100 F.2d 347, and Attorney General v. Inhabitants of the Town of Dover, 327 Mass. 601, 100 N.E.2d 1. Thus, as a general proposition the state, through the Legislature, has the ultimate authority in determining the manner and method of exercising the power to zone.

LB 172, however, does not specify the manner in which the city is to zone; rather, it creates zoning areas and restrictions relating to one aspect of zoning within defined areas. However, we find no constitutional prohibition on such action. A similar question arose in City of Grand Island v. Ehlers, 180 Neb. 331, 142 N.W.2d 770. Legislation was enacted authorizing the creation of industrial area zones outside the boundaries of incorporated cities. Cities were authorized to extend their zoning regulations to the area one mile beyond their boundaries by other enactments. Our Supreme Court said:

> ". . . To a large degree, the position is premised on the rule that there cannot be at the same time within the same territory two distinct municipal corporations exercising the same powers, jurisdiction, and privileges. This rule applies in a territory in which two municipal corporations of like kind and powers attempt to function coincidentally. However, this inhibition is limited to a situation where the jurisdiction, powers, and privileges conferred on the conflicting governmental agencies are substantially coextensive in scope and objective, and no objection exists to the power of the Legislature to authorize the formation of two municipal corporations in the same territory at the same time for different purposes. . . ."
> 180 Neb. at 336.

Thus, it is our opinion that the Legislature may create such zones as proposed by LB 172.

We have not overlooked the provisions of Article III, section 18, of the Constitution. It may be argued that LB 172 constitutes local or special legislation restricted to a particular area within the City of Lincoln. While

some merit may be attached to such argument, it may also be argued that a unique situation exists with respect to the State Capitol and its immediately surrounding area. Therefore, a general law is not required.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 325	Monday, February 7, 1977	2:00 p.m.

(Signed) Richard Lewis, Chairman

Public Works

LB 427	Friday, February 18, 1977	2:00 p.m.
LB 472	Friday, February 18, 1977	2:00 p.m.
LB 87	Wednesday, February 23, 1977 (Reset)	2:00 p.m.
LB 420	Wednesday, February 23, 1977	2:00 p.m.
LB 439	Wednesday, February 23, 1977	2:00 p.m.
LB 463	Wednesday, February 23, 1977	2:00 p.m.
LB 421	Thursday, February 24, 1977	2:00 p.m.
LB 447	Friday, February 25, 1977	2:00 p.m.
LB 252	Wednesday, March 2, 1977	2:00 p.m.
LB 377	Wednesday, March 2, 1977	2:00 p.m.
LB 410	Wednesday, March 2, 1977	2:00 p.m.
LB 55	Thursday, March 3, 1977	2:00 p.m.
LB 298	Thursday, March 3, 1977	2:00 p.m.
LB 299	Thursday, March 3, 1977	2:00 p.m.
LB 300	Thursday, March 3, 1977	2:00 p.m.
LB 151	Friday, March 4, 1977 (Reset)	2:00 p.m.
LB 411	Friday, March 4, 1977	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

Revenue

LB 219	Monday, February 7, 1977	2:00 p.m.
LB 241	Monday, February 7, 1977	2:00 p.m.
LB 354	Monday, February 7, 1977	2:00 p.m.
LB 461	Monday, February 7, 1977	2:00 p.m.
LB 244	Tuesday, February 8, 1977	2:00 p.m.
LB 392	Tuesday, February 8, 1977	2:00 p.m.
LB 407	Tuesday, February 8, 1977	2:00 p.m.
LB 353	Tuesday, February 8, 1977	2:00 p.m.
LB 357	Tuesday, February 8, 1977	2:00 p.m.
LB 140	Wednesday, February 9, 1977	2:00 p.m.
LB 358	Wednesday, February 9, 1977	2:00 p.m.
LB 270	Wednesday, February 9, 1977	2:00 p.m.
LB 359	Wednesday, February 9, 1977	2:00 p.m.
LB 319	Monday, February 14, 1977	2:00 p.m.
LB 394	Monday, February 14, 1977	2:00 p.m.
LB 301	Monday, February 14, 1977	2:00 p.m.
LB 352	Monday, February 14, 1977	2:00 p.m.
LB 107	Tuesday, February 15, 1977	2:00 p.m.
LB 350	Tuesday, February 15, 1977	2:00 p.m.
LB 245	Tuesday, February 15, 1977	2:00 p.m.
LB 285	Tuesday, February 15, 1977	2:00 p.m.
LB 360	Wednesday, February 16, 1977	2:00 p.m.
LB 243	Wednesday, February 16, 1977	2:00 p.m.
LB 28	Wednesday, February 16, 1977	2:00 p.m.
LB 356	Wednesday, February 16, 1977	2:00 p.m.

(Signed) Orval Keyes, Chairman

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 123. Placed on General File as amended.
Standing Committee amendment to LB 123:

1. On page 3, lines 6 through 8, reinstate the stricken matter and in line 6, strike the reinstated "three" and insert "~~three~~ five".

(Signed) Maurice A. Kremer, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 237. Placed on General File as amended.
Standing Committee amendment to LB 237:
1. On page 8, line 17 after "museum" insert "incorporated as a nonprofit corporation".

(Signed) Donald Dworak, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 96.

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 1, 1977, at 8:35 a.m., were the following bills: 3, 5, 6, 8, and 9.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 132. Placed on General File as amended.
Standing Committee amendment to LB 132:
1. On page 2, line 16 strike "The best" and insert "Reasonable" and strike "applicable".

LEGISLATIVE BILL 133. Placed on General File.
LEGISLATIVE BILL 134. Placed on General File.

LEGISLATIVE BILL 220. Placed on General File as amended.
Standing Committee amendments to LB 220:
1. On page 4, line 4 strike "excepting" and insert "except implements of husbandry as defined in subdivision (35) of section 39-602, Revised Statutes Supplement, 1976, and"; in line 10 strike "director" and insert "department"; in line 25 strike "or arrest without warrant"; and strike line 27.

2. On page 5, strike lines 1 through 7; sttike beginning with "be" in line 25 through the comma in line 26; and in lines 26 and 27 strike "not less than ten" and insert "fifty".

3. On page 7 strike beginning with "be" in line 18 through the comma in line 19; and in line 20 strike "ten" and insert "fifty".

4. On page 8, strike line 9; in line 10 strike "thereof, be"; and in line 10 strike "not less than ten" and insert "two"; and in line 22 strike "value" and insert "gross proceeds".

5. On page 9, line 1 strike "or" and insert "and".

6. Insert a new section to read as follows:

"Sec. 32. That sections 28-590 to 28-592, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Loran Schmit, Chairman

MOTION—Introduce Bill

Mr. George moved the introduction of a new bill by the Committee on Urban Affairs relating to Nebraska Housing Finance Fund. (Req. No. 743).

Mr. George moved for a Call of the House. The motion prevailed with 24 ayes, 6 nays, 15 present and not voting, 2 absent and not voting, and 2 excused and not voting.

Mr. George requested a roll call vote.

Voting in the affirmative, 28:

Barnett	Bereuter	Boughn	Brennan	DeCamp
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Kremer	F. Lewis
Luedtke	Maresh	Marvel	Maxey	Newell
Nichol	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 17:

Burrows	Carsten	Clark	Cope	Cullan
Fowler	Kelly	Keyes	Lamb	R. Lewis
Merz	Mills	Moylan	Murphy	Rasmussen
Reutzel	Rumery			

Present and not voting, 0.

Absent and not voting, 2:

Chambers Labedz

Excused and not voting, 2:

Koch Marsh

The motion lost with 28 ayes, 17 nays, 0 present and not voting, and 2 absent and not voting, and 2 excused and not voting.

Mr. George moved the Call be raised. The motion prevailed with 37 ayes, 0 nays, 8 present and not voting, 2 absent and not voting, and 2 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 6

SELECT FILE

LEGISLATIVE BILL 47. Advanced to E & R for Engrossment.

MOTION–Withdraw LB 200

Mr. Duis renewed his pending motion found in the Journal on page 323 for the Fourteenth Day, First Session to withdraw LB 200.

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 2 excused and not voting.

WITHDRAW MOTIONS–Re-refer Bills

Mr. Schmit asked unanimous consent to withdraw his pending motion found in the Journal on page 305 for the Thirteenth Day, First Session, to re-refer LB 95. No objections. So ordered.

Mr. Schmit asked unanimous consent to withdraw his pending motion found in the Journal on page 305 for the Thirteenth Day, First Session, to re-refer LB 186. No objections. So ordered.

MOTION–Re-refer LB 434

Mr. Schmit renewed his pending motion found in the Journal on page 307 for the Thirteenth Day, First Session, to re-refer LB 434 from the Government, Military and Veterans Affairs Committee to the Agriculture and Environment Committee.

The motion lost with 16 ayes, 24 nays, 7 present and not voting, 1 absent and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Committee on Committees

January 27, 1977

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.

Mr. Paul Amen
Nebraska Arts Council

No one appeared in behalf nor in oppostion to Mr. Amen's reappointment.

Committee vote: For: (9) Senators Burrows, Cope, Dworak, Labedz, Marsh, Mills, Moylan, Rasmussen, Savage. Against: None. Not voting: None. Excused: DeCamp, Koch, F. Lewis, Murphy. Absent: None.

Mr. Berri Balka
Director, Department of Insurance

No one appeared in behalf nor in opposition to Mr. Balka's appointment.

Committee vote: For: (9) Senators Burrows, Cope, Dworak, Labedz, Marsh, Mills, Moylan, Rasmussen, Savage. Not voting: None. Excused: DeCamp, Koch, F. Lewis, Murphy. Absent: None. Against: None.

Doris D. Collins
Board of Parole

Senator Marsh appeared in support of Mrs. Collin's appointment. No one appeared in opposition.

Committee vote: For: (9) Burrows, Cope, Dworak, Labedz, Marsh, Mills, Moylan, Rasmussen, Savage. Against: None. Not voting: None. Excused: DeCamp, Koch, F. Lewis, Murphy. Absent: None.

Mr. Eldin Ehrlich
Director of Public Welfare

Senator Robert Clark and Senator Richard Marvel appeared in support of Mr. Ehrlich's appointment. Mr. Roger D. Schulz, NAPE, appeared questioning the statutory qualifications of Mr. Ehrlich for said appointment.

Committee vote: For: (8) Burrows, Cope, Labedz, Marsh, Mills, Moylan, Rasmussen, Savage. Against: Dworak. Not voting: None. Excused: DeCamp, Koch, F. Lewis, Murphy. Absent: None.

Mr. Robert G. Lueder
Advisory Committee
Department of Economic Development

Senator Savage appeared in behalf of Mr. Lueder's appointment. No one appeared in opposition.

Committee vote: For: (9) Burrows, Cope, Dworak, Labedz, Marsh, Mills, Moylan, Rasmussen, Savage. Against: None. Not voting: None. Excused: DeCamp, Koch, F. Lewis, Murphy. Absent: None.

Edward M. Rowley
Board of Parole

No one appeared in behalf nor in opposition to Mr. Rowley's reappointment.

Committee Vote: For: (9) Burrows, Cope, Dworak, Labedz, Marsh, Mills, Moylan, Rasmussen, Savage. Against: None. Not Voting: None. Excused: DeCamp, Koch, F. Lewis, Murphy. Absent: None.

January 28, 1977

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 suggest a record vote.

Mr. Joe J. Huckfeldt
State Highway Commission

No one appeared in support and no one appeared in opposition to Mr. Huckfeldt's appointment.

Committee Vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

Dr. Ben Meckel
State Highway Commission

No one appeared in support and no one appeared in opposition to Dr. Meckel's appointment.

Committee Vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not Voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

Mr. Donald McGinley
Court of Industrial Relations

No one appeared in support and no one appeared in opposition to Mr. McGinley's appointment.

Committee Vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not Voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

Mr. Ward Reesman
Board of Trustees
Nebraska State Colleges

Senator Savage appeared in support of Mr. Reesman. No one appeared in opposition.

Committee vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not Voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

Mr. Robert Walker
Board of Trustees
Nebraska State Colleges

Senator Cope appeared in support of Mr. Walker. No one appeared in opposition.

Committee Vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not Voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

Mr. Paul A. Sarnecki
State Fire Marshal

The following appeared in support of Mr. Sarnecki as State Fire Marshal: Mr. Roger Schulz, Executive Director NAPE; Mr. Carl Sullivan, Ralston Volunteer Fire Dept; Mr. Norman E. Holft, NSVFA, David City, Nebr; Mr. Joe Range, Asst. State Forester Fire Control, Lincoln, Nebraska; Mr. Bill Ortmeier, David City, Nebr. Fire Department; Senator Wally Barnett, District 26, Lincoln, Nebraska; Senator Shirley Marsh, Lincoln, Nebraska; Mr. Pete Austin, First Vice President NSVFA, Plattsmouth, Nebraska. No one appeared in opposition to Mr. Sarnecki's appointment.

Committee vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not Voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

(Signed) John S. Savage, Chairman
Committee on Committees

MOTION – Rule Change

Mr. Warner offered the following rule change:

Amend Rule 5, Section 6 (g) to read as follows: When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation of $50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared ~~by the Fiscal Analyst and~~ at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill 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.

Referred to the Rules Committee.

UNANIMOUS CONSENT – Change of Hearing Rooms

Mr. DeCamp asked unanimous consent for the Banking, Commerce and Insurance Committee to hold their hearings in the East Chamber at 10:00 a.m. this morning. No objections. So ordered.

MOTION – Introduce Bill

Mr. Warner moved the introduction of a new bill by the Appropriations Committee. (Request No. 740).

The motion prevailed with 39 ayes, 0 nays, 8 present and not voting, 1 absent and not voting, and 1 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 475. By Appropriations Committee: Warner, 25th District, Chairman; Fowler, 27th District; Rumery, 42nd District; Goodrich, 20th District; Cope, 36th District; Hasebroock, 18th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend section 5, Legislative Bill 684, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase an appropriation; to repeal the original section; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 117. Title read. Considered.

The Standing Committee amendment found in the Journal on page 304 for the Thirteenth Day was adopted with 33 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 146. Title read. Considered.

The Standing Committee amendment found in the Journal on page 304 for the Thirteenth Day was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 17. Title read. Considered.

The Standing Committee amendments found in the Journal on page 306 for the Thirteenth Day were adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:

Amend LB 17 – Restitution shall be a mitigating factor in sentencing.

The amendment was adopted with 38 ayes, 0 nays, 10 present and not voting, 1 excused and not voting.

Advanced to E & R for Review with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT – Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 29 in the Journal. No objections. So ordered.

Amend LB 29 by striking the words "the establishment and" in line 2 and inserting the words "and grounds" in line 3 and striking the words "construct thereon" in line 11 on page 2.

On page 3 striking the word "construct" in line 10.

ANNOUNCEMENT

Speaker Luedtke announced all morning sessions will begin Monday, February 7, 1977. The criminal code bills will be discussed on General File starting February 7, 1977.

VISITORS

The President introduced 35 Senior students from the College of Home Economics at the University of Nebraska–Lincoln and Gwendolyn Newkirk, Class Instructor.

ADJOURNMENT

At 10:07 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, February 2, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTEENTH DAY–FEBRUARY 2, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 2, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 Mrs. Marsh and Mr. Rasmussen who were excused, and Mr. Barnett and Mr. Koch who were excused until they arrive, and Mr. Fowler who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifteenth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 12
January 31, 1977

Dear Senator DeCamp:

In your letter of January 26, 1977, you ask if the provisions of Legislative Bill 50 eliminating the prohibition against public office holders and public employees from qualifying for the office of city councilman in cities under the city manager plan of government will be retroactive if enacted.

The Nebraska Supreme Court in Housand v. Sigler, 186 Neb. 414, 183 N.W.2d 493, has held that legislation operates prospectively only unless it clearly indicates retrospective operation. Legislative Bill 50 contains no language of any kind indicating an intent to make its provisions retroactive.

Therefore we would be of the opinion that Legislative Bill 50 would not be retroactive in its application in the event it is enacted by the Legislature.

Sincerely,

Paul L. Douglas
Attorney General

(Signed) Terry R. Schaaf
Assistant Attorney General

TRS:pjf
cc: Vincent D. Brown
Clerk of the Legislature

REPORT OF MERIT INCREASES

LB 691, 84th Legislature, Second Session, Section 86, requires that a report be given to the Legislature no later than February 1, 1977, dealing with merit increases. Section 86 provides that said report shall detail by classification the number of employees in each classification, the number of employees given merit increases, the average size of merit increases, and the total amount spent by classification for merit increases.

We have received some of these reports and have filed the same with Senator Jerome Warner, Chairman of the Appropriations Committee, where they will be maintained.

(Signed) Vincent D. Brown
Clerk of the Legislature

MOTION–Rule Change

Mr. DeCamp offered the following rule changes:

Amend Rule 7, Sec. 2(d) to read:
(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~~.~~, and those excused and not voting. Any member may request a roll call or a record vote and further that the same be verified. On a roll call or record vote all of the names shall be printed in the Journal. On a motion for a Call of the House or a motion to Raise the Call only the ayes, nays and not voting shall be announced and those totals printed in the Journal Voice votes shall be accepted on roll call or record votes. Referred to the Rules Committee.

Amend Rule 7, Sec. 2(c) to read:
(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading. Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 23. Replaced on Select File as amended.
E & R amendment to LB 23:
1. In the DeCamp amendment 2, line 10, strike "loss" and insert "failure".

LEGISLATIVE BILL 49. Replaced on Select File as amended.
E & R amendment to LB 49:
1. In the title, line 5, strike "and" and insert "to restrict compensation except as prescribed;" and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 72. Replaced on Select File as amended.
E & R amendment to LB 72:
1. In the Fowler amendments, redesignate new subdivisions as (a) to (d) rather than numerically.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Government, Military & Veterans Affairs

LB 95	Thursday, February 10, 1977	1:30 p.m.
LB 315	Thursday, February 10, 1977	1:30 p.m.
LB 222	Thursday, February 10, 1977	1:30 p.m.
LB 229	Thursday, February 10, 1977	1:30 p.m.

LB 56	Friday, February 11, 1977	1:30 p.m.
LB 239	Friday, February 11, 1977	1:30 p.m.
LB 44	Thursday, February 17, 1977	1:30 p.m.
LB 434	Thursday, February 17, 1977	1:30 p.m.
LB 137	Friday, February 18, 1977	1:30 p.m.
LB 186	Friday, February 18, 1977	1:30 p.m.
LB 448	Friday, February 18, 1977	1:30 p.m.
LB 148	Thursday, February 24, 1977	1:30 p.m.
LB 272	Thursday, February 24, 1977	1:30 p.m.
LB 320	Thursday, February 24, 1977	1:30 p.m.
LB 232	Friday, February 25, 1977	1:30 p.m.
LB 286	Friday, February 25, 1977	1:30 p.m.
LB 80	Thursday, March 3, 1977	1:30 p.m.
LB 363	Thursday, March 3, 1977	1:30 p.m.
LB 388	Thursday, March 3, 1977	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

Urban Affairs

LB 190	Wednesday, February 9, 1977	2:00 p.m.
LB 173	Wednesday, February 9, 1977	2:00 p.m.
LB 195	Wednesday, February 9, 1977	2:00 p.m.
LB 203	Wednesday, February 9, 1977	2:00 p.m.
LB 150	Wednesday, February 16, 1977	2:00 p.m.
LB 374	Wednesday, February 16, 1977	2:00 p.m.
LB 226	Wednesday, February 16, 1977	2:00 p.m.
LB 340	Wednesday, February 16, 1977	2:00 p.m.
LB 274	Wednesday, February 23, 1977	2:00 p.m.
LB 61	Wednesday, February 23, 1977	2:00 p.m.
LB 86	Wednesday, February 23, 1977	2:00 p.m.
LB 238	Wednesday, February 23, 1977	2:00 p.m.
LB 158	Wednesday, February 23, 1977	2:00 p.m.

(Signed) Walter George, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 50. With Emergency.

A BILL FOR AN ACT to amend section 19-613 Revised Statutes Supplement, 1976, relating to city councils; to change provisions relating to qualifications for membership on a city council as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 40:

Bereuter	Boughn	Burrows	Carsten	Chambers
Cope	Cullan	DeCamp	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Kremer	Labedz
Lamb	F. Lewis	Luedtke	Maresh	Marvel
Maxey	Merz	Mills	Moylan	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 2:

Clark R. Lewis

Present and not voting, 2:

Brennan Murphy

Absent and not voting, 1:

Fowler

Excused and not voting, 4:

Barnett Koch Marsh Rasmussen

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 85.

A BILL FOR AN ACT to amend section 60-105, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide procedures to assign identification numbers in lieu of motor numbers or serial numbers as prescribed; and to repeal the original section.

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

Voting in the affirmative, 43:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 1:

Duis

Absent and not voting, 1:

Fowler

Excused and not voting, 4:

Barnett	Koch	Marsh	Rasmussen

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

LEGISLATIVE BILL 116.

A BILL FOR AN ACT to amend section 60-1904, Reissue Revised Statutes of Nebraska, 1943, relating to abandoned motor vehicles; to eliminate provisions entitling the Director of Motor Vehicles to custody of certain abandoned 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:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 1:

Warner

Present and not voting, 2:

Keyes Marvel

Absent and not voting, 1:

Fowler

Excused and not voting, 4:

Barnett Koch Marsh Rasmussen

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

MOTION—Escort Governor

Speaker Luedtke moved a committee be appointed to escort the Governor to the Chamber.

The Chair appointed Messrs. Warner, Hasebroock, Bereuter, Savage, and R. Lewis.

The committee returned and excorted the Governor J. James Exon to the rostrum.

The Governor delivered the following address on the National Energy Crisis:

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

"We have a very immediate serious situation confronting us in the United States. . . .I address myself to the power shortage in terms of energy, energy of all kinds.

Here in Nebraska today, we have a serious shortage of natural gas availability. . .electrical power. . .and our national resources. . . .are being depleted at an alarming rate. . . .let me emphasize that I am not talking just about industrial expansion, but heat and lights for people's homes."

Those words that I have just spoken are not new words for today's special message on energy. Rather they are from a talk I gave nearly four years ago, on March 14, 1972, to the Conference on World Affairs at Kearney State College. They are as true today as they were then and points up the cruel and devastating circumstances this nation finds itself in now because of the lack of establishment of a viable national energy plan during the last four years.

Unfortunately, America is in a dire emergency in the winter of 1976-77, and there is no chance whatsoever that the overall emergency will end this year or next, or the year after that unless the United States of America wishes to enslave itself further to foreign governments.

Oil imports are now approaching 50% of our present demands, this is devastating to our balance of payments making our nation an overall importer rather than our traditional role as an exporter. If oil imports are allowed to continue their upward expansion unabated, the industrial might of America is threatened and our defense posture itself could be crippled.

Imagine our situation if we woke up one morning to find that half our oil supplies had been cancelled.

These considerations may not be important as we face the present energy crisis. Nevertheless, the people must be informed on all phases of the energy problems if government expects their full cooperation on conservation and sacrifice which is the only possible course of action now.

There can be no legitimate quarrel for us to share any natural gas that we can spare to temporarily assist other Americans in the east whose homes are cold.

President Carter will probably sign into law today strictly temporary energy legislation nearly unanimously passed by the Congress. This special presidential authority, good for only a few months, essentially will allow three actions.

1. Transfer of natural gas from one section of the nation to another.

2. Full presidential authority to employ both interstate and intrastate pipelines to accomplish necessary reallocations.

3. Gives the President the authority to set prices on natural gas as he deems appropriate in the transfer process.

I have indicated Nebraska cooperation to these temporary procedures so long as the federal authorities recognize that we are sharing only for purpose of heating homes as opposed to furnishing fuel for industrial usage.

The office of the President's Energy Advisor, Dr. James Schlesinger, has assured me this is their only intention.

All should be alert to the total problems that any shift in one energy supply, in this instance natural gas, has to the corresponding deteriorating effect on other fuel sources, particularly diesel supplies, heating oils, and propane.

Many natural gas users with interruptable contracts from suppliers have standby alternative heating sources such as propane and heating oil. We must realize that any natural gas reassignments can have a "domino" effect on other fuel sources.

Weather is the largest unknown factor we face. If weather predictions are accurate, we can anticipate continuance of the unusually cold winter east of the Rocky Mountains.

In Nebraska, the energy picture is tight and could get tighter. While we do not anticipate, at this time, the serious consequences being experienced in the eastern section of the United States, conservation is a must and we once again call upon the people for voluntary sacrifices. The Nebraska people are, as always, our greatest source of strength, and I know they will respond positively once again.

Conservation of electric power is also vital. There have been excessive demands in this area that caused a serious near breakdown of a multistate grid network last week. In addition, many of Nebraska's municipal power plants are extensive users of fuel oils for their generating capabilities.

We are taking action at the state level. Last week, at my direction, we temporarily waved weight limit restrictions on large truck transports to expedite fuel deliveries. The Department of Environmental Control authorized the temporary burning of coal at a Lincoln generating plant that was using oil fuels.

I am today declaring by proclamation a Special Energy Emergency for 60 days. This will request all users, including public utilities, to take whatever steps are necessary to curtail use of oil products to protect dwindling supplies.

The Nebraska Public Power District will temporarily waive rate schedules and wheeling tariffs which will facilitate the sale and exchange of electricity.

I am requesting that all business establishments, plants, government buildings, schools, and others where practical, reduce heating over weekends to a maintenance level of 45 degrees or less.

To recap, I am proposing a six point program for at least a 60-day period to help assure Nebraska its jobs and its minimum heat and power needs:

1. The Governor's proclamation for conservation in homes by reducing thermostats to a level between 55 to 58 degrees at night and between 65

to 68 degrees other times. Government, business and industry are requested to do likewise.

2. Electric power conservation to help reduce fuel consumption by generating facilities.

3. Temporary conversion from fuel to coal by industry or others where possible.

4. Reductions of all buildings including plants and schools to at least 45 degrees over weekends where reasonable.

5. Cooperation of jobbers and dispensers of fuel to carefully allocate supplies to customers.

6. Creation of a Legislative Subcommittee, possibly of the Legislative Council, to work closely with the State Energy Office and the Governor.

At this time, I see no need for specific legislation since I believe voluntary actions will suffice. Still, over the long pull, there may be a necessity for some new laws. Legislative hearings to help develop constructive proposals when and if necessary could be helpful.

Working together in understanding, and depending primarily on the good sense and dedication of the Nebraska people, we will solve this latest challenge to "Nebraska, The Good Life."

The Committee escorted the Governor from the Chamber.

GENERAL FILE

LEGISLATIVE BILL 193. Title read. Considered.

Standing Committee amendments found in the Journal on page 308 for the Thirteenth Day were adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Bereuter offered the following amendment:
Amendment to LB 193

After "Council," on line 18 of page 3, insert the following sentence:

Furthermore, it is recognized that the State Department of Education has been and is the agency given the primary responsibility for assisting the Legislature review the performance of elementary and secondary schools in the use of state aid funds; therefore, the Legislative Fiscal Analyst will, whenever possible, work through the State Department of Education if a performance review is conducted on state aid programs for elementary and secondary education.

Mr. F. Lewis offered the following amendment to the Bereuter amendment:

To strike "whenever possible" line 5 from the Bereuter amendment.

The F. Lewis amendment lost with 12 ayes, 23 nays, 11 present and not voting, and 3 excused and not voting.

Mr. DeCamp asked unanimous consent to bracket LB 193 until February 20.

Mr. Bereuter objected.

Mr. DeCamp moved to bracket LB 193 until February 20. Motion pending.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 191. Placed on General File as amended.
Standing Committee amendment to LB 191:
1. On page 3, line 13 strike "resident"; and in line 14 after "county" insert "who are residents of the State of Nebraska".

LEGISLATIVE BILL 145. Indefinitely Postponed.

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 47.

Correctly Enrolled

The following bill was correctly enrolled: 50.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 50.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 128	Wednesday, February 16, 1977	2:00 p.m.
LB 321	Wednesday, February 16, 1977	2:00 p.m.

(Signed) Richard Maresh, Chairman

Committee on Committees

February 1, 1977

The Committee on Committees will meet at 12:00 noon Tuesday, February 8, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

ARTHUR C. JOHNSON
8721 Indian Hills Drive, Omaha,Nebraska, 68114, for appointment to the Nebraska Investment Council.

MRS. JACK STARK
9611 Nina, Omaha, Nebraska, for appointment to the Special Education Appeal Board.

RICHARD WOOD
525 Stuart Building, Lincoln, Nebraska, for appointment to the Power Review Board.

February 2, 1977

The Committee on Committees will meet at 12:00 noon, Thursday, February 10, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

GEORGE ARNETT
301 South Pine St., Grand Island, Nebraska, 68801, for appointment to the Commission on Fire Fighting Personnel Standards.

R. JERRY HARGITT
100 South 19th, Omaha, Nebraska 68102, for appointment to the Nebraska Arts Council.

MARJORIE SEDERBERG
804 So. 12th, Beatrice, Nebraska 68310, for appointment to the Special Education Appeal Board.

C. R. LAMBERT
President, Mid-America Research Chemical Co., Box 458, Columbus, Nebraska, for appointment to the Environmental Control Council.

The Committee on Committees will meet at 12:00 noon, Thursday, February 17, 1977, in the Legislative Council Hearing Room, Room 2102, State Capitol, Lincoln, Nebraska, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

J. E. CLEMENS

1620 E. Overland Dr., Scottsbluff, Nebraska, 69361, for appointment to the Manufactured Housing Advisory Board.

CLIFFORD B. DUDLEY

1819 Farnam, Civic Center, Room 402, Omaha, Nebraska for appointment to the Manufactured Housing Advisory Board.

MRS. POLLY FIES

P. O. Box 2047, Hastings, Nebraska, for appointment to the Special Education Appeal Board.

WILLIAM FENTON

226 Stuart Bld., Lincoln, Nebraska, for appointment to the Manufactured Housing Advisory Board.

MRS. JANE GILMORE

1800 So. 79th St., Omaha, Nebraska, for reappointment to the Nebraska Arts Council.

MARJORIE HARTNETT

Creighton University, Omaha, Nebraska, for appointment to the Special Education Appeal Board.

ROBERT B. KRAMER

W. 17th & Ave. B., Scottsbluff, Nebraska, for reappointment to the Motor Vehicle Industry Licensing Board.

BENNARD W. PREIS

14515 Industrial Road, Omaha, Nebraska, for appointment to the Manufactured Housing Advisory Board.

TED REEDER

11414 W. Center Road, Omaha, Nebraska 68144, for appointment to the Manufactured Housing Advisory Board.

CHARLES L. THOMSEN

1515 Sharp Building, Lincoln, Nebraska, for appointment to the Manufactured Housing Advisory Board.

CLIFFORD WILLIAMS

International Sensor Systems, Industrial Site West, Highway 34, Aurora, Nebraska for appointment to Advisory Commission to Dept. of Economic Development.

February 2, 1977

The Committee on Committees will meet at 12:00 noon, Friday, February 18, 1977, in the Legislative Council Hearing Room, Room 2102, State Capitol, Lincoln, Nebraska, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

MRS. MARY CAREY

510 Hazelwood Drive, Lincoln, Nebraska, for appointment to the Nebraska Coordinating Commission, Post Secondary Education.

SAM JENSEN

3535 Harney, Omaha, Nebraska, for appointment to the Nebraska Coordinating Commission for Post-Secondary Education.

NORRIS LEAMER

2017 Dakota, South Sioux City, Nebraska, for appointment to the Nebraska Coordinating Commission for Post-Secondary Education.

WALTER R. LOUIS

7835 F. St., Omaha, Nebraska, for reappointment to the Motor Vehicle Industry Licensing Board.

GEORGE MILLER

133 No. Washington, Papillion, Nebraska, for appointment to the Nebraska Coordinating Commission for Post-Secondary Education.

RAMEY WHITNEY

1428 - 5th, Chappel, Nebraska, for appointment to the Nebraska Coordinating Commission for Post-Secondary Education.

WENDELL W. WOOD

910 E. 8th, North Platte, Nebraska, for appointment to the Nebraska Coordinating Commission for Post-Secondary Education.

DALE SAILORS

2112 Harney, Omaha, Nebraska 68102, for reappointment to the Motor Vehicle Industry Licensing Board.

(Signed) John S. Savage, Chairman
Committee on Committees

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 10. Placed on General File.

LEGISLATIVE BILL 38. Placed on General File as amended.
Standing Committee amendments to LB 38:

1. On page 5, line 1, strike "three" and insert "one".

2. On page 11, line 23, strike "or" and insert a comma and after "IA" insert ", or Class IB".

3. On page 21, line 6, strike "I misdemeanor" and insert "IV felony".

4. On page 48, line 19, insert "prescribing," after the comma.

5. On page 63, line 14, insert ", including the registry number of the prescribing practitioner under the federal narcotics laws" after "practitioner"; and in line 24 insert ", including the registry number of the prescribing practitioner under the federal narcotics laws," after "practitioner".

6. On page 64, line 25, strike "and address"; and in lines 26 and 27 strike "his federal registry number".

7. On page 65, line 9, strike "compounded" and insert "of initial filling".

8. On page 74, line 26, strike "prior" and insert "subsequent".

LEGISLATIVE BILL 39. Placed on General File.
LEGISLATIVE BILL 40. Placed on General File.
LEGISLATIVE BILL 41. Placed on General File.
LEGISLATIVE BILL 167. Placed on General File.

(Signed) Wally Barnett, Chairman

MOTION – Nebraska Energy Plan

Mr. Warner moved that the Executive Board be directed to develop a program for cooperation with the executive branch of State government utilizing appropriate standing committee chairmen and their respective committees to work with the committees established by the Governor for the purpose of developing a Nebraska Energy Plan as required by the provisions of PL 94-163 Energy Policy and Conservation Act of 1975.

The motion prevailed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

ANNOUNCEMENTS

Mr. Kremer announced the Public Works Committee will meet briefly in the East Chamber following adjournment.

Mr. George announced the Urban Affairs Committee hearing at 2:00 p.m. today will be in the East Chamber.

Mr. Kremer announced the Public Works Committee hearing today will be in the East Lounge.

Mr. Marvel announced an Executive Board meeting in room 2102 at 4:00 p.m. today.

MOTION – Reconsider Action

Mrs. Labedz moved to reconsider action on the introduction of the Urban Affairs Committee bill relating to the Nebraska Housing Finance Fund (Request No. 743), found in the Journal on page 330 for the Fifteenth Day.

Motion pending.

VISITORS

The President introduced 25 Junior and Senior students from Papillion School, Papillion, Nebraska and teacher Mike Logan; 31 students and instructors from Monroe Junior and Senior High, Monroe, Nebraska.

ADJOURNMENT

At 10:09 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTEENTH DAY–FEBRUARY 3, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 3, 1977

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 Mrs. Marsh who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixteenth Day was approved.

MESSAGE FROM THE GOVERNOR

February 2, 1977

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 3, 5, 6, 8, and 9.

These bills were signed by me on February 2, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

ATTORNEY GENERAL'S OPINIONS

Opinion No. 13
February 1, 1977

Dear Senator DeCamp:

On January 26, 1977, you requested the opinion of this office concerning the constitutional validity of L.B. 36, which allows the merger of municipal and county governments in a county containing a city of the primary class. In our opinion, L.B. 36 is constitutionally questionable.

L.B. 36 allows the merger of the county and the primary class city into a single municipal government which shall perform all, or substantially all, of the governmental and corporate functions previously performed by the county and municipality. Such would appear to implicitly dissolve the governments of both the county and the municipality.

As a general principal, both municipal corporations (cities) and quasi-municipal corporations (counties) are creatures of the Legislature and as such are subject to the plenary power of the Legislature, subject only to restrictions contained in the Constitution. The Nebraska Supreme Court, in City of Milford v. City of Omaha, 185 Neb. 617, 177 N.W.2d 576 (1970), held that the Legislature may provide for the dissolution of a municipal corporation even though the municipal corporation had adopted a home rule charter. It therefore appears clear that the Legislature may provide for the dissolution of the primary class city. A question arises, however, whether the same is true concerning the dissolution of the county.

Counties appear to enjoy a somewhat unique position in the State of Nebraska. The Nebraska Supreme Court early recognized this in State ex rel. Hart v. Morehead, 99 Neb. 527, 156 N.W. 1067 (1916). In that case, the Court recognized that county governments are local in their nature and that the Constitution protects them in their right of local self-government, citing the predecessor of Article IX, Section 4. The court stated that when the Constitution of 1875 was adopted county government had been given the right to legislate upon certain local matters; such a condition was assumed in the Constitution. That same analysis would apply today since, like then, the Constitution appears to assume the existence of a county

government. The Constitution, in Article IX, protects the territorial integrity of all counties and compels the Legislature to provide for the election of such county officers as may be necessary; Article VIII,Section 5 places a taxing limitation on county authority; and throughout the Constitution, reference is made to counties in miscellaneous provisions. In Dwyer v. Omaha-Douglas Public Building Commission, 188 Neb. 30, 195 N.W.2d 236 (1972), the Supreme Court in dicta stressed this unique character of county government and stated that the Legislature probably lacks the power to dissolve the county. The court stated as follows beginning on page 43:

> "It does appear that counties as subdivisions of government did and do occupy a unique place in the eyes of the drafters and the people, the ratifiers, of the Constitution. See Article IX. It would appear the Legislature probably cannot substantially destroy the counties by removing all or substantially all of their functions while merely respecting their territorial integrity as required by Article IX. . . ."

L.B. 36 does "substantially destroy the counties by removing all or substantially all of their functions," or at least it authorizes the same to be done by authorizing the functions of the county to be performed by the new consolidated government. It certainly seems apparent that the Legislature cannot delegate the decision to dissolve county governments if it cannot itself make that determination. For that reason, it is our opinion that L.B. 36 is of questionable constitutionality.

In addition to the constitutional question pointed out above, other constitutional questions may arise depending upon the content of the charter which would be drafted for the single municipal government. For example, a potential problem could be raised by Article IX, Section 4, if a "necessary" county officer were appointed rather than elected. See, State ex rel. O'Connor v. Tusa, 130 Neb. 528, 265 N.W. 524 (1936).

For the reasons stated above, it is our opinion that the constitutional validity of L.B. 36 is questionable.

Yours very truly,
PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:smb
cc: Mr. Vince Brown
Clerk of the Legislature

Opinion No. 14
February 2, 1977

Dear Senator Lamb:

You have asked if LB 339 of the Eighty-Fifth Legislature, First Session (1977) is constitutional. Consequently we have reviewed LB 339 and the same is hereinafter discussed.

If enacted into operative law, LB 339 would ipso facto repeal the statutory power whereby the technical community college board of governors for a technical community college area may certify to the county board of equalization of each county within the area a mill levy of not to exceed two mills, uniform throughout such area, for the purpose of supporting operating expenditures of that technical community college. Until June 30, 1980, said boards would be able to certify to the county board of equalization of each county within the area a mill levy of 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. However, commencing on the effective date of LB 339, no tax levied pursuant to subsection (1) of Neb.Rev.Stat. Section 79-2650, as amended, could be used for new capital construction except for those projects where actual construction contracts have been let. Thus LB 339 would eliminate property taxes as a source of revenue to operate the technical community colleges. That, however, does not necessarily raise a constitutional issue. Nor do we find any such issues in LB 339. Thus on its face, we are of the opinion that LB 339 is constitutional.

Very truly yours,
PAUL L. DOULGAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 295	Thursday, February 10, 1977	1:30 p.m.
LB 297	Thursday, February 10, 1977	1:30 p.m.
LB 322	Friday, February 11, 1977	1:30 p.m.
LB 408	Friday, February 11, 1977	1:30 p.m.

LB 280	Thursday, February 17, 1977	1:30 p.m.
LB 281	Thursday, February 17, 1977	1:30 p.m.
LB 282	Thursday, February 17, 1977	1:30 p.m.
LB 323	Friday, February 18, 1977	1:30 p.m.
LB 398	Friday, February 18, 1977	1:30 p.m.
LB 422	Thursday, February 24, 1977	1:30 p.m.
LB 469	Thursday, February 24, 1977	1:30 p.m.

(Signed) Gerald Koch, Chairman

Government

LB 434	Thursday, February 17, 1977 (Cancelled)	1:30 p.m.

(Signed) Dennis Rasmussen, Chairman

Judiciary

LB 271	Tuesday, February 8, 1977 (cancelled)	2:00 p.m.
LB 112	Monday, February 14, 1977	2:00 p.m.
LB 156	Monday, February 14, 1977	2:00 p.m.
LB 212	Monday, February 14, 1977	2:00 p.m.
LB 400	Tuesday, February 15, 1977	2:00 p.m.
LB 468	Tuesday, February 15, 1977	2:00 p.m.
LB 452	Wednesday, February 16, 1977	2:00 p.m.
LB 453	Wednesday, February 16, 1977	2:00 p.m.
LB 454	Wednesday, February 16, 1977	2:00 p.m.
LB 455	Wednesday, February 16, 1977	2:00 p.m.
LB 284	Monday, February 21, 1977	2:00 p.m.
LB 287	Monday, February 21, 1977	2:00 p.m.
LB 288	Monday, February 21, 1977	2:00 p.m.
LB 187	Tuesday, February 22, 1977	2:00 p.m.
LB 269	Tuesday, February 22, 1977	2:00 p.m.
LB 276	Tuesday, February 22, 1977	2:00 p.m.
LB 278	Wednesday, February 23, 1977	2:00 p.m.
LB 418	Wednesday, February 23, 1977	2:00 p.m.
LB 451	Wednesday, February 23, 1977	2:00 p.m.

LB 271	Monday, February 28, 1977	2:00 p.m.
LB 330	Monday, February 28, 1977	2:00 p.m.
LB 436	Monday, February 28, 1977	2:00 p.m.
LB 208	Tuesday, March 1, 1977	2:00 p.m.
LB 438	Tuesday, March 1, 1977	2:00 p.m.
LB 169	Tuesday, March 1, 1977	2:00 p.m.
LB 196	Wednesday, March 2, 1977	2:00 p.m.
LB 367	Wednesday, March 2, 1977	2:00 p.m.
LB 456	Wednesday, March 2, 1977	2:00 p.m.

(Signed) Wally Barnett, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 2, 1977, at 10:15 a.m., was the following bill: 50.

(Signed) Barbara Jackson, Enrolling Clerk

REFERENCE COMMITTEE REPORT

LB	Committee
475	Appropriations

(Signed) Richard Marvel, Chairman

REPORT OF THE EXECUTIVE BOARD

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

The Executive Board recommends that a committee composed of the following be constituted to select the names to be placed on the two lists submitted to the Governor:

1. Speaker of the Legislature.
2. Chairman of the Executive Board.
3. One member from each congressional district to be chosen by the caucuses of the various districts.

The committee shall present the two lists of names to the entire Legislature for approval prior to being submitted to the Governor, pursuant to statute.

The committee shall consist of five members.

(Signed) Richard Marvel, Chairman

The motion was adopted with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

SPEAKER'S ANNOUNCEMENT

Speaker Luedtke announced that we will hold sessions on the 11th and 21st of February; No sessions on April 8 and 11 for Easter vacation.

UNANIMOUS CONSENT—Members Excused

Messrs. Kremer and Schmit asked unanimous consent to be excused at 9:15 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 17. Placed on Select File as amended.
E & R amendments to LB 17:

1. In lieu of the Chambers amendment, insert a new section to read:

"Sec. 3. The fact that restitution to the party injured has been made and that any costs of filing with the county attorney have been paid shall be a mitigating factor in the imposition of punishment for any violation of section 28-1212 or 28-1213.".

2. Renumber original section 3 as section 4.

3. In the title, line 7, insert "to provide for mitigation;" after the semicolon.

LEGISLATIVE BILL 117. Placed on Select File.

LEGISLATIVE BILL 146. Placed on Select File as amended.
E & R amendment to LB 146:

1. In the title, line 4, insert "; and to provide for the termination of authority" after "prescribed".

Correctly Enrolled

The following bills were correctly enrolled: 85 and 116.

(Signed) Samuel Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 85 and 116.

EXECUTIVE SESSION

Mr. Koch announced the Constitutional Revision and Recreation Committee will hold an Executive session on Friday, February 4, 1977 in the Supreme Court Hearing Room at 10:00 a.m.

NOTICE OF COMMITTEE HEARINGS

Agriculture and Environment

LB 390	Thursday, February 10, 1977 (Cancelled)	1:30 p.m.
LB 130	Friday, February 11, 1977 (Cancelled)	1:30 p.m.
LB 390	Thursday, February 17, 1977 (Reset)	1:30 p.m.
LB 130	Thursday, February 17, 1977 (Reset)	1:30 p.m.

(Signed) Loran Schmit, Chairman

Revenue

LB 407	Tuesday, February 8, 1977 (Cancelled)	2:00 p.m.

(Signed) Orval Keyes, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 82. With Emergency.

A BILL FOR AN ACT to amend section 2, Legislative Bill 684, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase 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, 44:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Labedz	Lamb	F. Lewis

R. Lewis	Luedtke	Maresh	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 2:

Kelly Marvel

Excused and not voting 3:

Kremer Marsh 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.

SELECT FILE

LEGISLATIVE BILL 23. E & R amendment found in the Journal on page 340 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 49. E & R amendment found in the Journal on page 340 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 72. E & R amendment found in the Journal on page 340 for the Sixteenth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT – Approve Appointments

Mr. Savage asked unanimous consent to approve the following Governor appointments of Paul Amen, Berri Balka, Doris D. Collins, Eldin Ehrlich, Robert G. Lueder, Edward M. Rowley, Joe J. Huckfeldt, Dr. Ben Meckel, Donald McGinley, Ward Reesman, Robert Walker and Paul A. Sarnecki, found in the Journal on pages 332, 333 and 334 for the Fifteenth Day, all in one record vote. No objections. So ordered.

Voting in the affirmative, 38:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	DeCamp	Duis
Dworak	Ftizgerald	Hasebroock	Kahle	Kelly
Keyes	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 1:

Goodrich

Present and not voting, 7:

Chambers	Cullan	Fowler	George	Hefner
Koch	Marvel			

Excused and not voting, 3:

Kremer	Marsh	Schmit

The President declared the appointments confirmed.

SELECT COMMITTEE REPORT
Committee on Committees

February 1, 1977

The following individuals were appointed by the Committee on Committees to serve on the Conflicts of Interest Committee.

Senator Marsh nominated Dr. Richard D. Nesmith, Pastor, Trinity United Methodist Church, Lincoln, Nebraska. Seconded by Senator Cope.

Senator Koch nominated Mr. Clayton H. Shrout, Attorney, 5410 South 75th St., Ralston, Nebraska. Seconded by Senator Moylan.

Senator Savage nominated Mr. George P. Miller, Publisher, Papillion Times, Papillion, Nebraska; also Vice-President, Nebraska Press Association. Seconded by Senator Koch.

It was moved and seconded to cast a unanimous vote for Dr. Nesmith; Clayton H. Shrout and Mr. George P. Miller.

Committee Vote: For: (10) Burrows, Cope, Dworak, Koch, Labedz, Marsh, Mills, Moylan, Murphy, Savage. Against: None. Not Voting: None. Excused: DeCamp, F. Lewis, Rasmussen. Absent: None.

(Signed) John S. Savage, Chairman
Committee on Committees

MOTION—Reconsider Action

Mrs. Labedz renewed her pending motion found in the Journal on page 353 for the Sixteenth Day for the introduction of a new bill by the Urban Affairs Committee. (Req. No. 743)

Mr. George moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays and 20 not voting.

The Call showed 46 members present.

Mr. George requested a roll call vote.

Voting in the affirmative, 32:

Barnett	Bereuter	Boughn	Brennan	Carsten
Cope	Cullan	DeCamp	Duis	Fitzgerald
George	Goodrich	Hasebroock	Hefner	Koch
Labedz	F. Lewis	Luedtke	Maresh	Marvel
Maxey	Moylan	Newell	Nichol	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 14:

Burrows	Chambers	Clark	Dworak	Fowler
Kahle	Kelly	Keyes	Lamb	R. Lewis
Merz	Mills	Murphy	Rasmussen	

Excused and not voting, 3:

Kremer	Marsh	Schmit

The motion to reconsider prevailed with 32 ayes, 14 nays, and 3 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

MOTIONS—Introduce Bills

Mr. George moved the introduction of a new bill by the Urban Affairs Committee. (Req. No. 743)

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

The motion to introduce prevailed with 30 ayes, 10 nays, 6 present and not voting, and 3 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Appropriations Committee. (Request No. 92).

The motion prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the introduction of a new bill by the Banking, Commerce and Insurance Committee. (Request No. 761).

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 476. By Urban Affairs Committee: George, 16th District, Chairman; Labedz, 5th District; Kahle, 37th District; Maxey, 46th District; Schmit, 23rd District; Koch, 12th District; DeCamp, 40th District.

A BILL FOR AN ACT to adopt the Nebraska Mortgage Finance Fund Act; to provide membership of the fund; to define terms; to provide powers and duties; and to provide severability.

LEGISLATIVE BILL 477. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Fowler, 27th District; Rumery, 42nd District; Hasebroock, 18th District; Savage, 10th District.

A BILL FOR AN ACT relating to education; to provide financial assistance to school districts as prescribed; to make an appropriation for such purpose; and to declare an emergency.

LEGISLATIVE BILL 478. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Merz, 1st District; Swigart, 8th District; Duis, 39th District.

A BILL FOR AN ACT to amend section 44-127.09, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to clarify procedures for the judicial review of disputed claims; to repeal the original section; and to declare an emergency.

ANNOUNCEMENT

Mr. DeCamp announced a meeting of the Rules Committee on Wednesday, February 9, 1977 at 12:00 noon in room 2102.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 475	Monday, February 14, 1977	2:00 p.m.
LB 477	Monday, February 14, 1977	2:00 p.m.

(Signed) Jerome Warner, Chairman

ANNOUNCEMENTS

Mr. Marvel announced an Executive Board meeting at 4:00 p.m. today in room 2102.

Mr. Keyes announced an executive session of the Revenue Committee at 9:00 a.m., Friday, February 4, 1977.

Mr. Rasmussen announced an executive session of the Government, Military, and Veterans Affairs Committee at 9:00 a.m., Friday, February 4, 1977, in room 1113.

Mr. R. Lewis announced an executive session of the Public Health and Welfare Committee Friday, February 4, 1977, under the north balcony.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 92. Indefinitely Postponed.
LEGISLATIVE BILL 115. Placed on General File.
LEGISLATIVE BILL 119. Placed on General File.

(Signed) Richard Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 193. Mr. DeCamp asked unanimous consent to withdraw his pending motion to bracket found in the Journal on page 348 for the Sixteenth Day. No objections. So ordered.

Mr. Bereuter asked unanimous consent to withdraw his pending amendment found in the Journal on page 347 for the Sixteenth Day. No objections. So ordered.

UNANIMOUS CONSENT–Print in Journal

Mr. Simon asked unanimous consent to print the following amendment to LB 193 in the Journal. No objections. So ordered.

Stike the words on line 4, page 2 thru the word "Nebraska" and add the following words: "in those areas of state aid programs for political subdivisions where criteria for performance has been established or mandated by the legislature.

VISITORS

The President introduced former Senator Diers from Gresham, Nebraska; and Miss Debbie Roffman, a student at Omaha Westside High School.

ADJOURNMENT

At 10:03 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m, Monday, February 7, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTEENTH DAY–FEBRUARY 7, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 7, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, we ask thy diving guidance, strength, and sense of purpose be given to the members of this Legislature. Although they have great diversity within themselves and the people they represent, may they not strive to be individualistic comets flashing across the sky, but stars which are united into a constellation which gives a pattern and unity in the midst of diversity while amplifying their individual convictions, may they ever remember they are part of the team working together to win the game for the benefit of the people of this state. In our Lord's name. Amen.

ROLL CALL

The roll call was called and all members were present.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventeenth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Cullan asked unanimous consent to be excused Tuesday, February 8 and Monday, February 21, 1977. No objections. So ordered.

Messrs. Mills and Nichol asked unanimous consent to be excused Tuesday, February 8. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused Wednesday, February 9. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

January 31, 1977

Dear Mr. President and Senators:

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

> Melvin Auch, Box 349, Aurora - succeeds Walter Hallstein of Grand Island, resigned - term expiring July 29, 1977

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Melvin Auch
Health Department
Committee on Committees

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

February 3, 1977

The Committee on Committees will meet at 12:00 Noon, Thursday, February 10, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

HELEN LASSEK

P.O. Box 83248, Lincoln, Nebraska for reappointment to the Personnel Board.

(Signed) John S. Savage, Chairman

REPORT OF AGRICULTURE PRODUCTS INDUSTRIAL UTILIZATION COMMITTEE

February 3, 1977

Mr. Vince Brown
Clerk of the Legislature
Room 2018
State Capitol
Lincoln, Nebraska

Dear Mr. Brown:

I hereby submit to you the attached annual report for the fiscal year 1975-76 from Agency 60, the Agricultural Products Industrial Utilization Committee, to the Nebraska Legislature as required by state law.

Yours truly,

(Signed) Charles R. Fricke
Administrator

CRF/iiu

(Report on file in the Clerk's office)

REPORT OF PLANNING AND PROGRAMMING

January 31, 1977

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

Dear Mr. Brown:

As required by Section 84-156 R.S., 1976 Supp., I am submitting the enclosed report to the Legislature concerning the State Office of Planning and Programming's review of county and municipal land use regulations under Laws 1975, LB 317. The report includes the nature and extent of our findings and the extent that procedural corrections were made or not made by the counties and municipalities.

Sincerely,

(Signed) W. Don Nelson

WDN/klf
Enclosure

Report to the Legislature on Laws 1975, LB 317
by the State Office of Planning and Programming

In 1975, the Nebraska Legislature enacted LB 317 (84-151 to 84-160, R.S., 1976 Supp.) which gave certain duties to the State Office of Planning and Programming (SOPP) in the area of land use planning and regulation. The SOPP is required to annually examine the land use regulatory programs of all counties and municipalities in the state to insure that the procedures, practices, and related actions of these local programs are

consistent with state law. The initial review was to be completed by January 1, 1977. The existing programs are to be reexamined and new regulatory programs are to be examined annually thereafter.

Under the procedures set by section 84-156, R.S. 1976 Supp., a confidential letter is to be sent to each municipality or county examined listing the procedures, practices, and actions that were found to be inconsistent with state law and a corresponding list of suggestions for correcting the deficiencies. After one hundred twenty days of the delivery of the letter, the SOPP is to publish a report in the newspaper of general circulation in the municipality or county involved which describes any deficiencies which remain uncorrected.

Pursuant to the law, the SOPP drafted a set of rules to implement the review program. Notice of the hearing on the rules was placed in the Omaha World-Herald, the Lincoln Star and Lincoln Evening Journal, the Scotts Bluff Star-Herald, and the North Platte Telegraph. Notice was also sent to all counties and municipalities, several agricultural organizations, the League of Nebraska Municipalities, the Nebraska Association of County Officials, the Nebraska Association of Resource Districts, the Nebraska Public Power District, the Nebraska Legislative Council, the Senators on the Agricultural and Environment Committee, the Public Health Committee and the Government, Military and Veterans Affairs Committee of the Legislature, the Councils of Government in Nebraska, and ten agencies of the State of Nebraska and the University of Nebraska. A hearing on the rules was held on November 3, 1975, in the State Capitol, Lincoln, Nebraska, and shortly thereafter the rules were officially adopted. A copy of the rules and a letter explaining the law was then sent to all counties and municipalities in the state. Each county and municipality was asked to submit a copy of their land use regulations to the SOPP.

The review of the land use regulations began shortly after January 1, 1976, and continued throughout the year. Each of the county and municipal zoning and subdivision regulations submitted was compared to existing state law and any inconsistencies were noted. If inconsistencies were found, a certified letter was sent to the county or municipality listing the inconsistencies and suggesting how they could be corrected. If no inconsistencies were found, a letter to that effect was sent to the county or municipality.

A majority of the inconsistencies found in the zoning and subdivision regulations fell within four major categories. The largest number of inconsistencies had to do with boards of adjustment. The law on the boards of adjustment were amended in 1975 and many counties and municipalites failed to amend their regulations to comply. Another frequent inconsistency was the failure to follow the statutory definition of subdivision containing the size of the parcels that were exempt from the local subdivision regulations. This law had also been amended in 1975. Other inconsistencies included failure to hold the required public hearings

or failure to give proper notice when the zoning regulations were adopted. Several local governments failed to meet the requirement that a comprehensive development plan as defined by statutes be adopted before they could enforce the zoning regulations. Chart No. 1 is a summary of the findings. The Local governments are grouped by class and the inconsistencies described above are each listed. Some counties and municipalities were found to have more than one deficiency in their zoning and subdivision regulations.

Chart No. 1

Findings of Review of Local Land Use Regulations under Laws 1975, LB 317

	County	Metropolitan Primary and First Class Cities	Second Class Cities	Villages
Number Reviewed	21	21	42	33
No Inconsistencies Found	5	11	12	7
Inconsistent with State Law on Board of Adjustment	15	1	16	22
Inconsistent with State Law on Definition of Subdivision	9	7	11	4
Improper Hearing or Notice	1	4	6	5
Insufficient Comprehensive Development Plan	4	0	2	2
Other Inconsistency	1	0	2	2

Upon receiving the certified letter listing the areas where the land use regulations were inconsistent with state law, a county or municipality was given one hundred twenty days to make corrections. Most local governments corrected the deficiencies found in their zoning and subdivision regulations. The SOPP staff made several trips to communities around the state to give assistance and also wrote several sample ordinances to help the local governments comply with the law.

If the deficiencies are not corrected within one hundred twenty days, section 84-156, R.S 1976 Supp., requires the SOPP to publish a list of the deficiencies in the local newspaper. Publication of such lists was done in several instances where the local government had taken no action during the one hundred twenty day period and indicated that they intended to take no action in the future. Chart No. 2 summarizes the status of the corrections made by the local governments.

Chart No. 2
Reactions of Local Government to Results of Review

	Corrections Completed	Corrections In Progress	No Corrections Made (Published in Newspaper)
County	10	6	0
Metropolitan Primary and First Class Cities	9	1	0
Second Class Cities	17	11	2
Villages	18	8	2

A total of twenty three thousand, eight hundred dollars was budgeted for the implementation of LB 317 for the year. This includes fifteen thousand dollars for personnel and eight thousand eight hundred dollars for other expenses. Major expenses include printing costs for the printing of rules, questionnaires, and memos to local governments; mailing costs for sending information to local governments and for normal correspondence including the certified letters; travel expenses for trips to assist local governments; and other administrative expenses.

The annual review process has begun for 1977. Counties and municipalities were notified and have begun to submit their land use materials. The regulations to be reviewed in 1977 include the amendments made to the land use regulations reviewed in 1976; the land use regulations adopted by counties or municipalities in 1976; and the land use regulations of counties and municipalities which did not submit any information during 1976.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 23, 49, and 72.

Correctly Enrolled

The following bill was correctly enrolled: 82.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 82.

PRESENTED TO GOVERNOR

Presented to the Governor on February 4, 1977, at 10:40 a.m., were the following bills: 85 and 116.

(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 February 4, 1977. 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 Health Care Association
Corkle, Margaret Ann – Omaha, Millard School District
Foley, John C. – Omaha, Blue Cross and Blue Shield
Gangwish, Wendell J. – Wood River, Nebraska Farm Bureau Federation
Hodge, Holly – Holdrege, Nebraska Wheat Growers
Kennedy, John W. – Omaha, Central States Health & Life Company of Omaha
Law Firm of Knudsen, Berkheimer, Endacott & Beam: Beam, C. Arlen – Lincoln, NBC Co.; Ruth, Larry L. – Lincoln NBC Co.
Kratz, Dean G. – Omaha, Nebraska League of Savings & Loan Associations
Lanning, Fred L. – Omaha, Nebraska Board of Barber Examiners
Magnusson, Norman A. – Bellevue, Sarpy County Board of County Commissioners
Page 297, Line 10, Correction of name – Neal, Jeam D. Jr. to Neal, Jean D. Jr., Legislative Journal, 13th Day, January 27, 1977
Richendifer, Blair K. – Walthill, Concerned Citizen Council, Inc.
Sutej, John M. – Omaha, Local Union 1974, I.B.E.W.
Tews, David D. – Lincoln, Nebraska Chapter Institute of Architects; Nebraska Mortgage Association

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 107 Tuesday, February 15, 1977 (Cancelled) 2:00 p.m.

(Signed) Orval Keyes, Chairman

Appropriations

LB 383	Friday, February 11, 1977 (Cancelled)	2:00 p.m.
Water Resources	February 16, 1977 (Cancelled)	2:00 p.m.
Secretary of State	Monday, February 28, 1977 (Cancelled)	2:00 p.m.
LB 383	Wednesday, February 16, 1977	2:00 p.m.
Public Employee Retirement Bd.	February 16, 1977	2:00 p.m.
Water Resources	Monday, February 28, 1977	2:00 p.m.
Secretary of State	Thursday, March 3, 1977	2:00 p.m.

(Signed) Jerome Warner, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
476	Urban Affairs
477	Appropriations
478	Bkg. Comm. & Ins.

(Signed) R. D. Marvel, Chairman

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 30. Placed on General File as amended.
Standing Committee amendments to LB 30:
(Amendments printed separate from the Journal and on file in the Clerk's Office - Req. No. 2504).

LEGISLATIVE BILL 67. Indefinitely postponed.
LEGISLATIVE BILL 106. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

Judiciary

LEGISLATIVE BILL 66. Placed on General File as amended.
Standing Committee amendment to LB 66:

1. On page 2, line 2 after "1976," insert "except any political subdivision," and strike beginning with the first comma in line 3 through the comma in line 5.

LEGISLATIVE BILL 69. Indefinitely postponed.
LEGISLATIVE BILL 97. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

Public Health and Welfare

LEGISLATIVE BILL 103. Placed on General File as amended.
Standing Committee amendment to LB 103:
1. On page 5, line 8, strike "shall" and insert "may".

(Signed) Richard Lewis, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 479. By Warner, 25th District, at request of Governor.

A BILL FOR AN ACT relating to appropriations; to amend section 23, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976, with items reduced by line-item veto; to change appropriations; to repeal the original section; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 47. With Emergency.

A BILL FOR AN ACT to amend section 60-110, Reissue Revised Statutes of Nebraska, 1943, relating to title to motor vehicles; to provide when motor vehicles shall be subject to article 9, Uniform Commercial Code; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle

Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 2:

R. Lewis 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 96.

A BILL FOR AN ACT to amend section 24-517, Reissue Revised Statutes of Nebraska, 1943, relating to county courts; to specify jurisdiction in certain conservatorship or guardianship matters; to ratify certain acts; and to repeal the original section.

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

Voting in the affirmative, 47:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 1:

F. Lewis

Present and not voting, 1:

Marvel

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

SELECT FILE

LEGISLATIVE BILL 17. E & R amendments found in the Journal on page 360 for the Seventeenth Day were adopted.

Laid over at the request of Mr. Barnett.

LEGISLATIVE BILL 146. E & R amendment found in the Journal on page 360 for the Seventeenth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 117. Advanced to E & R for Engrossment.

EASE

The Legislature was at ease from 9:28 a.m. until 9:36 a.m.

REPORT OF PUBLIC ACCOUNTABILITY ACT MEMBERS

Mr. Warner announced Mr. Bereuter was selected from District No. 1.

Mr. Savage announced Mr. Fitzgerald was selected from District No. 2.

Mr. Marvel announced Mr. Kelly was selected from District No. 3.

UNANIMOUS CONSENT—Approve Appointments

Mr. Savage asked unanimous consent to approve the following members to serve on the Conflicts of Interest Committee:

Dr. Richard D. Nesmith
Mr. Clayton H. Shrout
Mr. George P. Miller

The above appointments are found in the Journal on page 363 for the Seventeenth Day, and Mr. Savage suggests a record vote. No objections. So ordered.

Voting in the affirmative, 39:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Duis
Dworak	George	Goodrich	Hasebroock	Hefner

Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 10:

Chambers	DeCamp	Fitzgerald	Fowler	Kahle
Kelly	R. Lewis	Marvel	Rasmussen	Simon

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 22. Placed on General File.
LEGISLATIVE BILL 37. Placed on General File.

(Signed) F. Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 193. Considered.

Mr. Simon renewed his pending amendment found in the Journal on page 367 for the Seventeenth Day.

The amendment was adopted with 31 ayes, 0 nays and 18 present and not voting.

Mr. F. Lewis offered the following amendment:
Page 8, line 12, strike "and"
Line 13, strike "." insert "and the chairman of that standing committee which has the most direct concern with the agency, institution, or program under consideration"

The amendment was adopted with 38 ayes, 0 nays and 11 present and not voting.

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

Advanced to E & R for Review with 33 ayes, 2 nays and 14 present and not voting.

LEGISLATIVE BILL 29. Title read. Considered.

Mr. Maresh renewed his pending amendment found in the Journal on page 337 for the Fifteenth Day.

The amendment was adopted with 25 ayes, 6 nays and 18 present and not voting.

Mr. DeCamp moved to indefinitely postpone.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays and 14 present and not voting.

Mr. DeCamp moved for a Call of the House. The motion lost with 18 ayes, 22 nays and 11 present and not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 22:

Barnett	Burrows	Carsten	Clark	Cullan
DeCamp	Dworak	Hefner	Kelly	Keyes
Koch	Kremer	Lamb	R. Lewis	Marvel
Maxey	Mills	Murphy	Rasmussen	Reutzel
Stoney	Warner			

Voting in the negative, 23:

Bereuter	Boughn	Brennan	Cope	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kahle
F. Lewis	Luedtke	Maresh	Marsh	Merz
Moylan	Newell	Nichol	Rumery	Savage
Simon	Swigart	Venditte		

Present and not voting, 4:

Chambers	Duis	Labedz	Schmit

The motion to indefinitely postpone lost with 22 ayes, 23 nays and 4 present and not voting.

Mr. Fowler moved to bracket LB 29 for 10 days, until February 17, 1977.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 1 nay and 14 present and not voting.

The motion to bracket prevailed with 31 ayes, 8 nays and 10 present and not voting.

NOTICE OF COMMITTEE HEARINGS
Education

LB 457	Monday, February 21, 1977 (Cancel)	2:00 p.m.
LB 457	Monday, February 14, 1977 (Reset)	2:00 p.m.
LB 459	Tuesday, February 15, 1977 (Cancel)	2:00 p.m.
LB 459	Tuesday, February 22, 1977 (Reset)	2:00 p.m.

(Signed) F. Lewis, Chairman

Miscellaneous Subjects

LB 473	Thursday, February 24, 1977	2:00 p.m.
LB 415	Friday, February 25, 1977	2:00 p.m.

(Signed) Donald Dworak, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 227. Placed on General File.
LEGISLATIVE BILL 396. Placed on General File.
LEGISLATIVE BILL 24. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Public Health and Welfare

LEGISLATIVE BILL 138. Placed on General File as amended.
Standing Committee amendments to LB 138:

1. On page 3, line 4 after "efficient" insert "advanced"; in line 7 strike "prehospital" and insert "advanced emergency"; in line 14 before "emergency" insert "advanced" and after "emergency" insert "medical"; and in lines 20 and 25 strike "prehospital" and insert "emergency medical".

2. On page 4, line 15, after "other" insert "advanced emergency medical care" and in line 18 strike "Prehospital" and insert "Emergency Medical".

3. On page 5, line 9 strike "Prehospital" and insert "Emergency Medical"; and in line 24 strike "prehospital" and insert "emergency medical".

4. On page 7, line 18 strike "prehospital" and insert "emergency medical".

5. On page 8, line 9 before "emergency" insert "advanced" and after "emergency" insert "medical"; in line 23 strike "prehospital" and insert "emergency medical"; in lines 23 and 26 strike "he" and insert "such paramedic"; in line 23 strike "licensed" and insert "certified"; and in line 27 strike "his" and insert "the paramedic's".

(Signed) Richard Lewis, Chairman

Government, Military and Veteran's Affairs

LEGISLATIVE BILL 54. Indefinitely postponed.
LEGISLATIVE BILL 273. Indefinitely postponed.

LEGISLATIVE BILL 88. Placed on General File as amended.
Standing Committee amendments to LB 88:

1. Insert a new section to read as follows:

"Section 1. As used in section 81-117, unless the context otherwise requires, employee shall mean an employee of any state agency, department, commission, board, or office, except (1) state employees who hold a publicly-elected office of the State of Nebraska, (2) state employees who serve as a chief administrative officer for a state agency, department, commission, board, or office, and (3) all academic personnel of the University of Nebraska and the state colleges.".

2. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

LEGISLATIVE BILL 122. Placed on General File.
LEGISLATIVE BILL 136. Placed on General File.

LEGISLATIVE BILL 172. Placed on General File as amended.
Standing Committee amendments to LB 172:

1. On page 5, line 15 after "by" insert "the State of Nebraska and"; and strike beginning with "The" in line 16 through the period in line 18.

2. On page 7, line 14 after "the" insert "height limitation"; and in line 15 after "Provided," insert "that nothing contained herein shall prevent the exercise of eminent domain of any governmental entity so empowered to acquire public rights-of-way; and provided further,".

LEGISLATIVE BILL 194. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 344	Wednesday, March 2, 1977	12:00 Noon
LB 467	Wednesday, March 2, 1977	12:00 Noon
LB 341	Wednesday, March 9, 1977	12:00 Noon
LB 348	Wednesday, March 9, 1977	12:00 Noon
LB 423	Wednesday, March 16, 1977	12:00 Noon
LB 466	Wednesday, March 16, 1977	12:00 Noon
LB 342	Wednesday, March 23, 1977	12:00 Noon
LB 347	Wednesday, March 23, 1977	12:00 Noon
LB 102	Wednesday, March 30, 1977	12:00 Noon
LB 198	Wednesday, March 30, 1977	12:00 Noon

(Signed) William H. Hasebroock, Chairman

MESSAGE FROM THE GOVERNOR

February 4, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 50.

This bill was signed by me on February 4, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in room 2102 at 4:30 today.

GENERAL FILE

LEGISLATIVE BILL 13. Title read. Considered.

Standing Committee amendments found in the Journal on page 309 for the Thirteenth Day were adopted with 29 ayes, 0 nays and 20 present and not voting.

Mr. Mills offered the following amendment:
Line 8 Pg. 3
Delete period and add "and may be fined not less than ten dollars nor more than fifty dollars."

The amendment was adopted with 25 ayes, 8 nays and 16 present and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 present and not voting.

LEGISLATIVE BILL 57. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays and 16 present and not voting.

LEGISLATIVE BILL 73. Title read. Considered.

Standing Committee amendments found in the Journal on page 316 for the Fourteenth Day were adopted with 31 ayes, 0 nays and 18 present and not voting.

Advanced to E & R for Review with 35 ayes, 0 nays and 14 present and not voting.

LEGISLATIVE BILL 211. Title read. Considered.

Mr. Rasmussen offered the following amendment:
On page 4 Strike 13 feet six inches and insert 14 feet 6 inches.

The amendment was adopted with 36 ayes, 0 nays and 13 present and not voting.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion lost with 11 ayes, 20 nays and 18 present and not voting.

Mr. George offered the following amendment:
Amend LB 211, page 3, line 13 strike 5, insert 20

The amendment lost with 16 ayes, 22 nays and 11 present and not voting.

Mr. Lamb offered the following amendment:
Page 2, line 6, strike "public road" reinsert, "state highway".

The amendment lost with 14 ayes, 26 nays and 9 present and not voting.

Advanced to E & R for Review with 28 ayes, 11 nays and 10 present and not voting.

ANNOUNCEMENT

Mr. Maresh announced the Business and Labor Committee will meet in executive session on Wednesday, February 9, 1977 at 1:30 p.m. in the Supreme Court Hearing Room.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 144. Placed on General File.

(Signed) Richard Maresh, Chairman

Judiciary

LEGISLATIVE BILL 118. Placed on General File.
LEGISLATIVE BILL 294. Placed on General File.

LEGISLATIVE BILL 175. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

VISITORS

President Whelan introduced Dr. and Mrs. James Loukota from Friend, Nebraska and also his son Jerry Whelan.

ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, February 8, 1977.

Vincent D. Brown
Clerk of the Legislature

NINETEENTH DAY–FEBRUARY 8, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 8, 1977

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, Protestant, and Jew, 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 Messrs. Cullan, Mills, Nichol, and R. Lewis who were excused and Mr. Chambers who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighteenth Day was approved.

UNANIMOUS CONSENT—Members Excused

Messrs. Carsten and Kremer asked unanimous consent to be excused from 9:30 to 10:00 a.m. this morning, February 8. No objections. So ordered.

Mr. R. Lewis asked unanimous consent to be excused for the remainder of the week. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused at 11:30 a.m. this morning. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 8, 1977 at 8:45 a.m. was the following Legislative Bill: 82.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 81. Placed on General File as amended.
Standing Committee amendments to LB 81:

1. On page 3, line 6, after the comma insert "enforcement, administration,"; line 26 strike "two" and insert "four", and after "temporary" insert "for residents and non-residents".

2. On page 7, line 1, after the first comma insert "improvement,".

LEGISLATIVE BILL 109. Placed on General File as amended.
Standing Committee amendments to LB 109:

1. On page 6 after line 13 insert a new section as follows; "Sec. 12. Sections 1 to 8 of this act and the privilege tax imposed thereunder shall cease to exist on June 30, 1982."

2. Renumber original section 12 section 13.

LEGISLATIVE BILL 129. Placed on General File as amended.
Standing Committee amendments to LB 129:

1. On page 4, after line 1 insert the following; "Sec. 2. This act shall become operative on January 1, 1978."; strike lines 4 through 6; and renumber original section 2 as section 3.

2. In the title, line 5 after the semicolon insert "to provide an operative date; and "; line 6 strike "; and to declare an emergency".

(Signed) Jerry Koch, Chairman

Public Works

LEGISLATIVE BILL 255. Placed on General File as amended.
Standing Committee amendment to LB 255:

1. On page 3, reinstate the stricken matter beginning with "Notice" in line 9 through "by" in line 11 and insert "regular"; and in line 11 reinstate "mail.".

LEGISLATIVE BILL 267. Placed on General File as amended.
Standing Committee amendments to LB 267:

1. On pages 2 and 3 reinstate the stricken matter.
2. On page 3, line 6 strike "file" and insert "record".

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendments to LB 393:

1. Strike section 1 and insert:

"Section 1. That section 39-6,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,127. Every vehicle, including road rollers, road machinery, combines, farm machinery, wagons, racks, and farm tractors, (1) having a width, including load, of eighty inches or more, or (2) having any part thereof or having any load thereupon which shall extend forty inches or more to the left of the center of the chassis, shall display, when driven, pulled, operated, or propelled upon any highway, during the period from one half hour after sunset until one half hour before sunrise, and at all other times when there is not sufficient light to render such vehicle clearly discernible, two clearance lights on the left side of such vehicle. One of such clearance lights shall be located at the front and display a green or amber light visible, under normal atmospheric conditions, from a distance of three hundred feet to the front of such vehicle. The other clearance light shall be located at the rear and display a red light visible, under normal atmospheric conditions, from a distance of three hundred feet to the rear of said vehicle. The light at the rear shall be so located ~~at a sufficient distance above the tail light of such vehicle so it will~~ as not be confused with ~~such~~ the tail light by those approaching from the rear. Such lights shall be located on a line with the extreme outer point of such vehicle or the load thereon; Provided, suitable reflectors of like color, equal visibility, and of a type approved by the Department of Motor Vehicles may be substituted for such clearance lights; and provided further, the installation of all lamps shall be made in such a manner that no hazard will be created by their use on the highway.

Sec. 2. That section 39-6,164, Reissue Revised Statutes of Nebraka, 1943, be amended to read as follows:

39-6,164. (1) Except as provided in subsection (2) of this section, between ~~Between~~ one half hour before sunrise and one half hour after sunset, all vehicles described in section 39-6162 shall be equipped with two red flags, one to be placed one hundred feet behind and the other one hundred feet ahead of said parked vehicles and in such position as to be visible to all approaching traffic during the daylight hours.

(2) In lieu of the requirements of subsection (1) of this section, vehicles described in section 39-6,162 may be equipped with three red emergency reflectors of a type approved by the Department of Motor Vehicles. One of such reflectors shall be placed alongside the vehicle on the traffic side and within ten feet of the front or rear of the vehicle. When there is two-way traffic, one reflector shall be placed one hundred feet ahead of the vehicle and one shall be placed one hundred feet behind the vehicle. When there is only one-way traffic, one reflector shall be placed one hundred feet and one two hundred feet behind the vehicle.

Sec. 3. That original sections 39-6,127 and 39-6,164, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT to amend sections 39-6,127 and 39-6,164, Reissue Revised Statutes of Nebraska, 1943, relating to rules of the road; to change equipment provisions; and to repeal the original sections.".

(Signed) Maurice A. Kremer, Chairman

Revenue

LEGISLATIVE BILL 78. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 77. Placed on General File.

(Signed) John DeCamp, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 117 and 146.

Correctly Enrolled

The following bills were correctly enrolled: 47 and 96.

(Signed) Samuel Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 47 and 96.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 223 Monday, February 28, 1977 2:00 p.m.

(Signed) Wally Barnett, Chairman

MOTIONS—Introduce Bills

Mr. Moylan moved the introduction of a new bill by the Committee on Public Health and Welfare. (Req. No. 313)

The motion prevailed with 31 ayes, 0 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Moylan moved the introduction of a new bill by the Committee on Public Health and Welfare. (Req. No. 250)

The motion prevailed with 31 ayes, 0 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Koch moved the introduction of a new bill by the Committee on Constitutional Revision and Recreation. (Req. No. 725)

The motion prevailed with 32 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. George moved the introduction of a new bill by the Committee on Urban Affairs. (Req. No. 757)

The motion prevailed with 30 ayes, 2 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 759)

The motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Rasmussen moved the introduction of a new bill by the Committee on Government, Military and Veterans Affairs. (Req. No. 546)

The motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 480. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Rasmussen, 41st District; Maresh, 32nd District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT to amend section 68-1002, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to define bona fide residence for the purpose of qualifying for public assistance from the state; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 481. By Public Health and Welfare Committee: Moylan, 6th District, Vice Chairman; Brennan, 9th District; Kelly, 35th District; Maresh, 32nd District.

A BILL FOR AN ACT to amend section 23-343.01, Reissue Revised Statutes of Nebraska, 1943, relating to county hospitals; to provide an exception to the requirement that only one member of the board of trustees shall be from the city or precinct in which a facility is located; and to repeal the original section.

LEGISLATIVE BILL 482. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman; Labedz, 5th District; Reutzel, 15th District; Carsten, 2nd District; Fitzgerald, 14th District.

A BILL FOR AN ACT to amend section 81-804, Reissue Revised Statutes of Nebraska, 1943, relating to independent boards and commissions; to increase the per diem for members of the Game and Parks Commission; and to repeal the original section.

LEGISLATIVE BILL 483. By Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Labedz, 5th District; Schmit, 23rd District; Maxey, 46th District; Kahle, 37th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 16-670, Reissue Revised Statutes of Nebraska, 1943, and section 16-668, Revised Statutes Supplement, 1976, relating to water and sewer districts in cities of the first class; to change provisions relating to sewer or water main improvements as prescribed; to provide for the issuance of general obligation bonds, the levy of taxes to pay such bonds, and the terms of the bonds; to provide for the use of special assessments; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 484. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Maresh, 32nd District; Lamb, 43rd District; Hefner, 19th District; Venditte, 7th District.

A BILL FOR AN ACT to amend sections 2-202 and 2-203.06, Reissue Revised Statutes of Nebraska, 1943, relating to county agricultural societies; to provide additional uses of tax money in certain counties; to authorize the use of an additional tax levy for capital construction; and to repeal the original sections.

LEGISLATIVE BILL 485. By Government, Military and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; George, 16th District; Stoney, 4th District; Maxey, 46th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 81-502, Revised Statutes Supplement, 1976, relating to the State Fire Marshal Act; to limit the authority of delegated local fire prevention personnel as prescribed; and to repeal the original section.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 16
February 7, 1977

Dear Senator Rasmussen:

You have requested the opinion of this office concerning what state employees would be covered by the authorization for time and one-half overtime under LB 88. For clarification, in this opinion we concern ourselves only with the purported scope of the legislation, not with its propriety or validity.

LB 88, as introduced and read on January 6, 1977, amends section 81-117, R.R.S. 1943. Section 81-117 is part of the civil code of the State of Nebraska. The departments and the department heads to which the civil code applies are enumerated in sections 81-101, R.S.Supp., 1976, and 81-102, R.S.Supp., 1976. It is therefore our opinion that section 81-117, as amended by LB 88, would apply only to the employees of the departments enumerated in section 81-101.

You have also requested the opinion of this office concerning the effect that a proposed amendment to LB 88 would have on the same question. The amendment you have proposed defines "employee" as used in section 81-117, and thereby expands the coverage of that section accordingly.

> "Section 1. As used in section 81-117, unless the context otherwise requires, employee shall mean an employee of any state agency, department, commission, board, or office, except (1) state employees who hold a publicly-elected office of the State of Nebraska, (2) state employees who serve as a chief administrative officer for a state agency, department, commission, board, or office, and (3) all academic personnel of the University of Nebraska and the state colleges."

The proposed amendment broadens the application of section 81-117 beyond merely the code departments to those agencies, departments, commissions, boards, and officers listed in section 1 of the proposed amendment.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 17
February 7, 1977

Dear Senator Boughn:

You have requested an opinion from this office regarding which state employees would be covered under the overtime provisions outlined in LB 88 and LB 235, respectively. For clarification, in this opinion we concern ourselves only with the purported scope of the respective pieces of legislation, not with their propriety or validity.

It is our opinion that LB 88, as introduced and read on January 6, 1977, would apply only to employees of the departments listed in section 81-101, R.S.Supp., 1976. LB 88 amends section 81-117, which is a portion of the civil code of the State of Nebraska. Sections 81-101 and 81-102, R.S.Supp., 1976, respectively enumerate the departments and the department heads which are referred to in section 81-117.

LB 235 defines, in section 1(2), employee as follows:

"(2) Employee shall mean any individual employed by a state agency, department, commission, board, or office other than an individual who holds a publicly-elected office of the State of Nebraska or who serves as a chief administrative officer for a state agency, department, commission, board, or office, specifically including all non-academic personnel of the University of Nebraska and the state colleges;"

LB 235 then excludes certain persons from the operation of the act, i.e. professionals, and provides special provisions or others, i.e. firemen and policemen. The employees to whom the overtime provisions would apply under LB 235 are considerably broader than those contained in LB 88 as it applies to the agencies, departments, commissions, boards, or offices referred to above rather than merely to the code departments.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:smb
cc: Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 155. Placed on General File as amended.
Standing Committee amendments to LB 155:

1. On page 4, line 13, after the comma, insert "or cooperative associations of such producers,".

2. On page 5, line 18, strike the underscored period, reinstate "within a", and insert "reasonable time after"; and in line 19, reinstate the stricken matter.

LEGISLATIVE BILL 183. Placed on General File.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendments to LB 426 in the Journal. No objections. So ordered.

1. On page 3, strike beginning with "The"
in line 2 through the period in line 5 and show as stricken.
2. On page 19, line 13, after the second comma
insert "and section 53-123.09, Revised Statutes Supplement,
1976,".

SELECT FILE

LEGISLATIVE BILL 17. Laid over at the request of Mr. Barnett.

GENERAL FILE

LEGISLATIVE BILL 256. Laid over.

LEGISLATIVE BILL 231. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 254. Laid over.

LEGISLATIVE BILL 123. Laid over.

LEGISLATIVE BILL 237. Title read. Considered.

Standing Committee amendment found in the Journal on page 329 for the Fifteenth Day was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 11 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Savage moved for a Call of the House. The motion prevailed with 17 ayes, 12 nays, and 20 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 21:

Bereuter	Brennan	Clark	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner

Keyes	Labedz	F. Lewis	Luedtke	Maresh
Moylan	Newell	Savage	Schmit	Simon
Warner				

Voting in the negative, 15:

Barnett	Boughn	Burrows	Chambers	Cope
Kahle	Kelly	Lamb	Maxey	Merz
Reutzel	Rumery	Stoney	Swigart	Venditte

Present and not voting, 8:

Carsten	DeCamp	Duis	Koch	Marsh
Marvel	Murphy	Rasmussen		

Excused and not voting, 5:

Cullan	Kremer	R. Lewis	Mills	Nichol

The motion to advance to E & R for Review lost with 21 ayes, 15 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 31 ayes, 0 nays and 18 not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Standing Committee amendment found in the Journal on page 329 for the Fifteenth Day was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 256. Title read. Considered.

Mr. Chambers offered the following amendment:
To amend LB 256 to raise the speed limit on the interstate system to 65 m.p.h.

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. Chambers moved for a Call of the House. The motion prevailed with 22 ayes, 11 nays and 16 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Fitzgerald	George	Hefner	Labedz	F. Lewis
Luedtke	Merz	Murphy	Rasmussen	Reutzel
Savage	Schmit	Simon		

Voting in the negative, 20:

Duis	Dworak	Fowler	Hasebroock	Kahle
Kelly	Keyes	Koch	Kremer	Lamb
Maresh	Marsh	Marvel	Moylan	Newell
Rumery	Stoney	Swigart	Venditte	Warner

Present and not voting, 2:

Goodrich	Maxey

Excused and not voting, 4:

Cullan	R. Lewis	Mills	Nichol

The Chambers amendment lost with 23 ayes, 20 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

Advanced to E & R for Review with 31 ayes, 6 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 133. Title read. Considered.

Advanced to E & R for Reveiw with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 254. Title read. Considered.

Standing Committee amendment found in the Journal on page 320 for the Fourteenth Day was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 134. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

CORRECTED STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 37. Indefinitely postponed.

(Signed) F. Lewis, Chairman

MOTIONS—Introduce Bills

Mr. F. Lewis moved the introduction of a new bill by the Committee on Education. (Req. No. 571)

The motion prevailed with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

Mr. F. Lewis moved the introduction of a new bill by the Committee on Education. (Req. No. 734)

The motion prevailed with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 486. By Education Committee: F. Lewis, 45th District, Chairman; Fitzgerald, 14th District; Kahle, 37th District; Lamb, 43rd District; Maxey, 46th District; Kremer, 34th District; Koch, 12th District.

A BILL FOR AN ACT to adopt the Private Vocational Educational Authorization Act of 1977; to provide severability; to provide an operative date; and to repeal Chapter 79, article 18, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.

LEGISLATIVE BILL 487. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Kremer, 34th District; Maxey, 46th District; Lamb, 43rd District; Kahle, 37th District; Fitzgerald, 14th District; Koch, 12th District.

A BILL FOR AN ACT to amend sections 79-451 and 79-1304, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify census reporting and apportionment of school fund provisions as prescribed; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 8.

Introduced by Warner, 25th District; Dworak, 22nd District; F. Lewis, 45th District; Marvel, 33rd District; Stoney, 4th District; Savage, 10th District; Murphy, 17th District.

WHEREAS, postsecondary education has made a significant contribution to the successful growth and development of the State of Nebraska for more than 100 years; and

WHEREAS, Nebraska's future success requires a coordinated, statewide system of postsecondary educational services; and

WHEREAS, the Legislature recognizes the importance of providing reasonable access to postsecondary educational opportunities at an acceptable cost to citizens; and

WHEREAS, the Legislature bears the primary and continuing responsibility for insuring the achievement of statewide postsecondary educational goals and objectives; and

WHEREAS, the existing statutory role and mission statements for the respective postsecondary educational institutions and systems are general and lack specificity; and

WHEREAS, the coordination of postsecondary education requires the development of clear statewide educational policies and the redefinition of institutional and system roles and missions; and

WHEREAS, the Legislature recognizes the necessity for citizen, student, institutional, and system participation in developing clear and specific role and mission statements for the institutions of postsecondary education.

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

1. That the Nebraska Postsecondary Education Advisory Committee, upon the enactment of LB 459 (1977), institute a process for the redefinition of the roles missions of Nebraska's public institutions and systems of postsecondary education.

2. That the Nebraska Postsecondary Education Advisory Committee be charged with the responsibility for directing the role and mission redefinition process and to issue guidelines for institutional and system role and mission development not later than May 1, 1977.

3. That the Nebraska Postsecondary Education Advisory Committee issue role and mission development guidelines that provide for the following:

a. A report from each public postsecondary institution and system and their governing board to the Nebraska Postsecondary Education Advisory Committee of its current role and mission and academic program plans not later than June 1, 1977;

b. Definitions of the terms role and mission to be used by the state's public postsecondary institutions and systems in preparing their proposed role and mission statements for review and approval by the Nebraska Postsecondary Education Advisory Committee; and

c. A clear statement of the process that each public postsecondary institution, system, and governing board will utilize in the development of their proposed role and mission statements including provisions for faculty, student, and citizen involvement in role and mission development.

4. That each of the state's public postsecondary institutions and their governing board submit to the Nebraska Postsecondary Education Advisory Committee proposed role and mission statements for their review and approval by September 1, 1977. The proposed role and mission statements to include recognition of the following:

a. That current role and mission statements are inadequate and unacceptable as a framework for future program and service development and review. It should be understood that current institutional and system programs are not necessarily considered to be part of an institution's role and mission and are subject to review and modification;

b. Role and mission statements must clearly identify the institution's program and services priorities in the areas of instruction, research, and public service;

c. Each institution must identify its primary program and service emphasis at the vocational, technical, baccalaureate, masters, doctoral, and professional level;

d. Each institution must indicate and clearly reveal those programs and service areas it intends to pursue and develop independently, those areas it will not develop, and those areas that will be developed in cooperation with other secondary and postsecondary institutions; and

e. Each institution must identify its role and mission within the context of all postsecondary institutions operating within its service region and within the state.

5. That the Nebraska Postsecondary Edcuation Advisory Committee will review and modify, as appropriate, the role and mission statements submitted by the public postsecondary institutions and their governing boards and present these role and mission statements for public hearing by November 1, 1977.

6. That the Nebraska Postsecondary Education Advisory Committee will present to the 1978 regular session of the Legislature recommended role and mission statements for each public postsecondary institution, system, and their governing boards and such other recommendations as may be related to role and mission identification and development.

Mr. Warner moved that LR 8 be referred to the Education Committee for public hearing. The motion prevailed with 30 ayes, 0 nays, 15 present and not voting and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 220. Title read. Considered.

Standing Committee amendments found in the Journal on page 329 for the Fifteenth Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Dworak raised a point of order on whether an "A" bill is needed on this bill.

The Chair ruled that an "A" bill at this particular stage is necessary. The Chair sustained the point of order.

MOTION–Place LB 273 on General File

Mr. F. Lewis moved to place LB 273 on General File notwithstanding the committee action.

Motion pending.

VISITORS

The President introduced 55 Kindergarten, 1st graders, 2nd graders, teachers and parents from Prescott Grade School, Lincoln; and 17 eighth graders, teachers and parents from Robin Mickle Junior High School, Lincoln.

ADJOURNMENT

At 11:56 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, February 9, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTIETH DAY–FEBRUARY 9, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 9, 1977

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 adsorbed 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. Duis and R. Lewis who were excused and Mr. Koch who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Nineteenth Day was approved.

MESSAGE FROM THE GOVERNOR

February 3, 1977

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointment to the Public Welfare, Institutions and Corrections Advisory Committee requiring legislative confirmation:

Ray R. Young, 6917 No. 52nd Street, Omaha - for a four year term expiring January 1, 1981

I respectfully submit this reappointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Ray R. Young
Committee on Committees
Advisory Committee

ATTORNEY GENERAL'S OPINION

Opinion No. 18
February 7, 1977

Dear Senator Warner:

You have requested the opinion of this office concerning the constitutionality of the passage of LB 76 as passed by the 1976 Session of the Legislature. You have asked this question in light of the opinion of Federal District Judge Denney in the case, Nebraskans for Independent Banking, Inc. v. Omaha National Bank, decided on November 30, 1976.

Ordinarily in accordance with the policy outlined in the letter from Mr. Clarence A. H. Meyer, then Attorney General, to the Clerk of the Legislature, dated December 28, 1972, and found on page 36 of Volume 1 of the 1973 Legislative Journal, we do not give opinions to individual senators as to the constitutionality of bills which have already become law. However, it is our understanding that you are asking this question in order to determine the necessity of taking appropriate action to cure a possible constitutional defect. For the reason that we are therefore dealing with proposed legislation to cure a possible defect, we will render an opinion.

Judge Denney's opinion in Nebraskans for Independent Banking, Inc. v. Omaha National Bank, held unconstitutional LB 763 of 1976 as having been enacted in contravention of Article III, section 14 of the Constitution of the State of Nebraska. LB 763 originally related to building and loan associations and to the providing of the same advantages of federal savings and loan associations to them. On March 1, 1976 LB 763 was amended so as to relate to financial institutions and providing for

attached auxiliary teller offices. The bill was then expedited and adopted on March 4, 1976. Judge Denney made the factual determination that the amendment relating to commercial banking was not germane to the original bill concerning building and loan associations so that under the Constitution of the State of Nebraska the amendment should be treated essentially as a new bill and may not be passed until five legislative days after its introduction under Article III, section 14. For the reason that the required 5 days was not complied with, Judge Denney held that LB 763, as relating to commercial banking, was passed in an unconstitutional manner.

LB 76 was originally introduced in 1975 as a bill relating to school retirement systems and providing that deposits in the school employees' savings fund may be made by the school district. On March 25, 1976, the fifty-sixth legislative day, LB 76 was substantially amended so as to delete all provisions concerning the school retirement fund and to provide for the increase in judges' salaries. LB 76, as amended, was passed by the Legislature on April 7, 1976, the sixtieth legislative day. Upon first blush it would appear that LB 76 encounters the same constitutional difficulty as LB 763. However, we believe that there is a substantial difference which adequately distinguishes it from LB 763. The amendment to LB 763 was apparently a new subject introduced before the Legislature only on March 1, 1976. The amendment to LB 76, however, was not a new subject. LB 697, which dealt with the increase in judges' salaries, was initially read on January 8, 1976, and was placed on General File on February 4, 1976. The subject of LB 697 was essentially the same as the subject contained in the amendment to LB 76. We therefore believe it can be successfully argued that the amendment to LB 76 had been before the Legislature for in excess of the five required days before final passage, although not under the same legislative bill number. We note that the Constitution does not require either that legislative bills have numbers or that if numbers are assigned that a legislative bill carry the same number through the entire process. We also note an additional fact which serves to distinguish the amendment to LB 76 from the amendment to LB 763. On March 25, after LB 76 was returned to Select File for the amendment noted above, the Chair upon request, ruled that the amendment was germane. A court would have to determine that the ruling of the Chair was erroneous in order to determine that the amendment was not germane. This a court would normally be somewhat reluctant to do.

In summary, although a substantial question is presented concerning the constitutionality of the method by which LB 76 was passed, it is the opinion of this office that the method used in passing LB 76 is sufficiently distinguishable from that method used to pass LB 763 for the reasons expressed above so that the constitutionality of LB 76 could be successfully defended.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:smb
cc: Mr. Vincent D. Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 9, 1977, at 8:45 a.m., were the following bills: 47 and 96.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 193. Placed on Select File as amended.
E & R amendments to LB 193:

1. On page 2, line 3, strike the first comma and insert "and"; and in line 4 strike "This" and insert "Sections 1 to 3 and 5 to 7 of this".

2. In the Simon amendment, line 4 strike "where" and insert "when"; in line 4 strike "has" and insert "have"; and in the last line strike the period.

3. On page 3, strike line 6 as amended and insert "(e) At the direction of the Performance Review and Audit Committee, analyses of"; in line 9 insert "subdivision (e) of" after "by"; and in line 10 strike "act" and insert "section".

4. On page 4, insert "and Audit" at the end of line 7; and strike the semicolon in line 12 and remove underscoring from the semicolon in line 15.

5. On page 8, lines 10 and 20 insert "and Audit" after "Review"; in lieu of the committee amendment thereto, in line 15 insert "and Audit" after "Review"; and in line 18 strike "subsection (1) (e) of this act" and insert "subdivision (1) (e) of section 50-419".

6. On page 9, line 14, insert "and Audit" after "Review".

7. In the title, line 8, insert ", and also section 50-701, Revised Statutes Supplement, 1976" after "sections".

LEGISLATIVE BILL 13. Placed on Select File as amended.
E & R amendments to LB 13:

1. On page 2, lines 5 and 19, insert a comma after "1943"; and in lines 12 and 13, strike "of an off-street parking facility" and insert "thereof".

2. In committee amendment 2, line 2, insert "other" after "or".

3. In lieu of the Mills amendment, in committee amendment 2, line 4 insert "and that anyone parking there in violation of the designation shall be subject to a fine of not less than ten dollars nor more than fifty dollars" after "zone".

4. In the title, line 3, insert "and other handicapped persons" after "paraplegics"; in line 4 strike "and"; and in line 5 insert "; and to provide a penalty" after "vehicles".

LEGISLATIVE BILL 57. Placed on Select File.

LEGISLATIVE BILL 73. Placed on Select File as amended.
E & R amendments to LB 73:

1. On page 3, line 16 strike the comma and show as stricken.

2. In the title, line 6, insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 211. Placed on Select File as amended.
E & R amendments to LB 211:

1. On page 2, line 5, strike "January 1, 1967" and insert "~~January 1, 1967~~ the effective date of this act".

2. In lieu of the Rasmussen amendment, on page 4, line 24, strike "thirteen" and insert "~~thirteen~~ fourteen".

3. In the title, line 8, insert "to change a height limitation;" after the semicolon.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 327	Monday, February 21, 1977	2:00 p.m.
LB 351	Monday, February 21, 1977	2:00 p.m.
LB 355	Monday, February 21, 1977	2:00 p.m.
LB 382	Monday, February 21, 1977	2:00 p.m.
LB 27	Tuesday, February 22, 1977	2:00 p.m.
LB 391	Tuesday, February 22, 1977	2:00 p.m.

LB 107	Monday, February 28, 1977	2:00 p.m.
LB 407	Monday, February 28, 1977	2:00 p.m.
LB 416	Monday, February 28, 1977	2:00 p.m.

(Signed) Orval Keyes, Chairman

MOTION–Place LB 92 on General File

Mr. Goodrich moved to place LB 92 on General File notwithstanding the committee action.

Motion pending.

SELECT FILE

LEGISLATIVE BILL 17. Laid over at the request of Mr. Barnett.

UNANIMOUS CONSENT–Member Excused

Mr. Koch asked unanimous consent to be excused Thursday and Friday, February 10 and 11, 1977. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 123. Title read. Considered.

Standing Committee amendment found in the Journal on page 328 for the Fifteenth Day was adopted with 32 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 31 ayes, 3 nays, 12 present and not voting, 1 absent and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT–Revert to Select File

Mr. Barnett asked to consider LB 17 on Select File at this time.

The Speaker requested the agenda be amended to go back to Select File.

SELECT FILE

LEGISLATIVE BILL 17. Mr. Barnett offered the following amendment:

1. On page 3, line 12 after the period insert: "If the court shall in addition to sentencing any person to imprisonment under this section also enter an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.".

2. On page 4, line 27 after the period insert: "If the court shall in addition to sentencing any person to imprisonment under this section also enter an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.".

The amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 237. Considered.

Mr. Chambers moved to indefinitely postpone.

The motion lost with 7 ayes, 22 nays, 17 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, 17 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 12 nays, 7 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 191. Title read. Considered.

Standing Committee amendment found in the Journal on page 348 for the Sixteenth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 167. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 115. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 15 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 30. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 375 for the Eighteenth Day (Req. No. 2504) were discussed.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, 14 present and not voting, and 2 excused and not voting.

The Standing Committee amendments lost with 15 ayes, 28 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
To Amend LB 30:
Strike original section 1 and insert new sections 1 to 5 (provisions of LB 67 in Bill Book) To abolish the sales tax on food and eliminate the Food Sales Tax Credit.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 11 nays, and 15 not voting.

The Call showed 47 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 17:

Brennan	Burrows	Chambers	Dworak	Fowler
George	Keyes	Koch	F. Lewis	Marvel
Maxey	Merz	Mills	Murphy	Newell
Reutzel	Simon			

Voting in the negative, 30:

Barnett	Bereuter	Boughn	Carsten	Clark
Cope	Cullan	DeCamp	Fitzgerald	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Kremer

Labedz	Lamb	Luedtke	Maresh	Marsh
Moylan	Nichol	Rasmussen	Rumery	Savage
Schmit	Stoney	Swigart	Venditte	Warner

Excused and not voting, 2:

Duis R. Lewis

The amendment lost with 17 ayes, 30 nays, and 2 excused and not voting.

SPEAKER LUEDTKE PRESIDING

Mr. Goodrich moved the Call be raised. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

ANNOUNCEMENTS

Mr. DeCamp announced the Rules Committee will meet in room 1019 at noon today instead of room 2102.

Mr. Marvel announced an Executive Board meeting at 4:30 p.m. today in room 2102.

Mr. Koch announced Mr. Al. Bielen of the State Department of Education will be conducting a Briefing Session on LB 33 on Wednesday, February 9, 1977, and on Friday, February 11, 1977, in Room 2102, at 12:30 p.m.

MOTION—Place LB 69 on General File

Mr. Koch moved to place LB 69 on General File notwithstanding the committee action. Motion pending.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 321	Wednesday, February 16, 1977 (Cancel)	2:00 p.m.
LB 321	Wednesday, February 23, 1977 (Reset)	2:00 p.m.
LB 253	Wednesday, February 23, 1977	2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 60. Placed on General File.

LEGISLATIVE BILL 64. Placed on General File.
LEGISLATIVE BILL 70. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

Public Health and Welfare

LEGISLATIVE BILL 179. Placed on General File.

(Signed) Harold T. Moylan, Vice Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 9.

Introduced by Dworak, 22nd District.

WHEREAS, the State Board of Nursing is the agency of state government responsible for the licensing and supervision of Nebraska's registered nurses and licensed practical nurses; and

WHEREAS, effective monitoring and supervising of the nursing profession is necessary for the protection of the public health, safety, and welfare of the people of Nebraska; and

WHEREAS, the delivery of quality health care services on a statewide basis depends in large measure on the continued availability of quality nursing personnel in all areas of Nebraska; and

WHEREAS, the State Board of Nursing must carefully balance the needs and desires of all segments of the nursing profession, as well as the health care delivery system and the general public; and

WHEREAS, some controversy has developed regarding the State Board of Nursing's responsiveness to those whom it serves.

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

1. That the Legislature's Committee on Public Health and Welfare conduct an interim study of the State Board of Nursing, its functions and operations.

2. That the committee examine the Board of Nursing's licensure and examination process, as well as methods by which it promulgates and adopts policies, rules and regulations.

3. That the committee study the manner in which individuals are appointed to the State Board of Nursing, the organization of the board, its administrative placement within Nebraska state government, and the manner in which it balances the wide variety of interests which it must serve.

4. That the committee conduct such public hearings in such locations as it deems necessary to receive cross section of testimony and opinion regarding the State Board of Nursing and its operations, and that the

committee make a report of its findings together with any recommendations it may have for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION—Fiscal Bills Policy

Mr. DeCamp moved that the following policy and procedure be adopted by the Nebraska Legislature and put into effect by the Speaker:

(1) That all legislative bills reaching final reading which establish or create a new tax be bracketed on final reading and held there until such time as the appropriation bills are ready to be dealt with by the Nebraska Legislature on final reading. (2) That all legislative bills reaching final reading having a fiscal impact of $50,000 or more be bracketed on final reading until such time as the Legislature's appropriation bills are ready to be dealt with on final reading. (3) That a daily record of the total fiscal impact of legislative proposals passed off general file be kept track of and reported in total each day by the Speaker to the Legislature so that the Legislature will have full knowledge of the tax consequences of any proposals made by the Governor which would result in tax increases or by any individual Senator which would do the same. (4) That the Legislature adopts this motion and procedure with the understanding that the impact of any new programs or new taxes proposed by the Governor and any tax increases or consequences resulting from the Governor's proposed budget and any new taxes or tax increases or consequences resulting from legislative proposals should be understood by the Legislature prior to enacting any piecemeal legislative programs, new taxes or tax increases.

Laid over.

UNANIMOUS CONSENT—Withdraw Objection on LB 220

Mr. Dworak asked unanimous consent to withdraw his objection to LB 220 of yesterday. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 30. Considered.

Mr. Simon offered the following amendment:
To change $20 to $24 on line 24 page 3.

Mr. Bereuter requested a record vote:

Voting in the affirmative, 25:

Barnett	Bereuter	Brennan	Burrows	Chambers
Cope	Cullan	Dworak	Fitzgerald	Fowler
George	Hasebroock	Kelly	Keyes	Koch
Kremer	F. Lewis	Luedtke	Maresh	Maxey
Mills	Newell	Reutzel	Simon	Venditte

Voting in the negative, 14:

Carsten	DeCamp	Goodrich	Hefner	Kahle
Lamb	Moylan	Murphy	Rasmussen	Rumery
Schmit	Stoney	Swigart	Warner	

Present and not voting, 8:

Boughn	Clark	Labedz	Marsh	Marvel
Merz	Nichol	Savage		

Excused and not voting, 2:

Duis	R. Lewis

The Simon amendment was adopted with 25 ayes, 14 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Cullan offered the following amendment:

That all cities collecting 1% sales tax be required to rebate 1/3 of the state rebate to each resident of the city.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays and 14 not voting.

The Cullan amendment lost with 10 ayes, 30 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 11 nays, 9 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 220A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 220, Eighty-fifth Legislature, First Session, 1977.

NOTICE OF COMMITTEE HEARINGS
Public Works

LB 410	Wednesday, March 2, 1977 (cancel)	2:00 p.m.
LB 410	Thursday, February 17, 1977 (reset)	2:00 p.m.
LB 217	Wednesday, March 9, 1977	2:00 p.m.
LB 247	Wednesday, March 9, 1977	2:00 p.m.
LB 296	Wednesday, March 9, 1977	2:00 p.m.
LB 450	Thursday, March 10, 1977	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

ADJOURNMENT

At 11:54 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Thursday, February 10, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIRST DAY—FEBRUARY 10, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 10, 1977

Pursuant to adjournment, the Legislature met at 9:00 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. Koch and R. Lewis who were excused and Mr. Fowler who was excused until arrival.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twentieth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Hasebroock asked unanimous consent to be excused at 10:30 this morning. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused Friday, February 11th. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
480	Pub. Hlth. & Wel.	484	Agric. & Env.
481	Pub. Hlth. & Wel.	485	Gov. Mil. & Vets Afrs.
482	Cons. Rev. & Rec.	486	Education
483	Urban Affairs	487	Education

(Signed) Richard D. Marvel, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 231. Placed on Select File as amended.
E & R amendment to LB 231:
1. On page 2, insert an underscored comma at the end of line 7; and in line 15 insert "not" after the second "is".

LEGISLATIVE BILL 132. Placed on Select File.
LEGISLATIVE BILL 256. Placed on Select File.

LEGISLATIVE BILL 133. Placed on Select File as amended.
E & R amendment to LB 133:
1. In the title, strike line 4 and through "product" in line 5 and insert "to define a term".

LEGISLATIVE BILL 254. Placed on Select File as amended.
E & R amendment to LB 254:
1. In the title, line 4 as amended, strike "allow the" and insert "delete the prohibition against an".

LEGISLATIVE BILL 134. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

Department of Roads	Tuesday, March 1, 1977 (Cancel)	2:00 p.m.
Department of Roads	Tuesday, March 1, 1977 (Reset)	1:30 p.m.

(Signed) Jerome Warner, Chairman

Public Health and Welfare

LB 474	Monday, February 28, 1977	2:00 p.m.
LB 425	Monday, February 28, 1977	2:00 p.m.
LB 471	Tuesday, March 1, 1977	2:00 p.m.
LB 480	Tuesday, March 1, 1977	2:00 p.m.
LB 481	Tuesday, March 1, 1977	2:00 p.m.

(Signed) Harold Moylan, Vice Chairman

Revenue

LB 28	Wednesday, February 16, 1977 (Cancel)	2:00 p.m.

(Signed) Orval A. Keyes, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 138A. By R. Lewis, 38th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

UNANIMOUS CONSENT—Print in Journal

Mr. Boughn asked unanimous consent to print the following letter in the Journal No objections. So ordered.

Department of Public Institutions
January 14, 1977

MEMORANDUM

TO: Facility Directors and
Central Office Division and Section Heads

FROM: Jack M. Cleavenger, Director

RE: Legislative Committee Hearings

This is to remind you that although notices of legislative committee hearings are forwarded to you from time to time by Mrs. Betsy Berger's

office, the material is informational only. Employees of the Department of Public Institutions are not to attend committee hearings unless they have been invited by the committee.

JMC:ms

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 23.

A BILL FOR AN ACT to amend sections 67-202, 67-209, 67-210, 67-219, 67-225, and 67-232, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Limited Partnership Act; to provide for acknowledgment; to provide provisions relating to the removal or failure of reelection of a general partner; to provide for payment of partnership property to limited partners as prescribed; to provide when certain assignees may not vote; to provide who may sign the writing to amend or cancel a certificate; to change recording 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, 45:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Kremer	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 2:

Brennan Newell

Excused and not voting, 2:

Koch R. Lewis

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

LEGISLATIVE BILL 49. With Emergency.

A BILL FOR AN ACT to amend section 71-4808, Revised Statutes Supplement, 1976, relating to the Uniform Anatomical Gift Act; to change the age at which individuals may consent to donate blood; to restrict compensation except as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 43:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Kremer	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Maxey	Merz	Mills
Moylan	Murphy	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 1:

Keyes

Present and not voting, 3:

Fitzgerald Marvel Newell

Excused and not voting, 2:

Koch 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 72. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to provide certain criteria for recording information on birth certificates; 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Newell

Excused and not voting, 2:

Koch 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.

SELECT FILE

LEGISLATIVE BILL 193. E & R amendments found in the Journal on page 405 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 13. E & R amendments found in the Journal on page 405 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 57. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 73. E & R amendments found in the Journal on page 406 for the Twentieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 211. E & R amendments found in the Journal on page 406 for the Twentieth Day were adopted.

Mr. Rasmussen offered the following amendment:
Page 5 line 7 strike thru period and insert "shall not exceed 15'6".

The amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT – Member Excused

Mr. George asked unanimous consent to be excused at 11:00 this morning. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced the Nebraska Accountability Disclosure Commission will meet at 4:00 p.m. on Monday, February 14, 1977 and asked the members of the Legislature to submit names by Friday, February 11, 1977 for such commission.

MOTION – Fiscal Policy on Bills

Mr. DeCamp renewed his pending motion found in the Journal on page 412 for the Twentieth Day regarding fiscal policy on bills.

Mr. F. Lewis offered the following amendment to the DeCamp motion:
Bracket all appropriation bills until March 15 on Final Reading.

The amendment was adopted with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

Mr. DeCamp 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 DeCamp motion, as amended, prevailed with 36 ayes, 1 nay, 10 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 182. Placed on General File.

(Signed) Loran Schmit, Chairman

MOTION – Escort Governor

Speaker Luedtke moved a committee be appointed to escort the Governor to the rostrum. The motion prevailed.

The Chair appointed Messrs. Keyes, Warner, Marvel, Kelly, and Moylan to serve on said committee.

The Committee escorted Governor J. James Exon to the rostrum where he delivered the following State of the State and Budget Address.

State of the State and Budget Address
Governor J. James Exon
February 10, 1977

Mr. President, Mr. Speaker, Members of the Legislature, Ladies and Gentlemen:

Thank you for allowing me to appear before you today for the purpose of delivering the annual message on two vital subjects, the State of the State and presentation of the Governor's Budget for Fiscal 1977-78.

I am pleased to report that the State of the State is good, and the overall economy continues its growth.

Holding the line on the sales and income tax rates again is a principal consideration of my budget recommendations. I earnestly appeal to the Legislature to accept that concept above all others. My budget is tight, but prudent, and will insure the further sound development of our state and meet state government's realistic financial needs.

During 1976 the expansion of our economy did not fully recover from the 1975 nationwide recession, and this caused reductions in anticipated state revenues. Present indicators show that Nebraska's overall economic recovery is now occurring at a somewhat faster pace than the nation as a whole, but I urge caution on spending.

During 1976, we experienced a 3% increase in the total number employed over 1975. Personal income for the first three quarters of 1976 was 10% higher than the same period a year earlier. Manufacturing employment at the end of last year exceed 90,000 which was 7% above the same figure for 1975. That is twice the percentage increase for the nation as a whole in this category.

Expansion of industrial plants and new locations last year will generate 3,700 new jobs, an approximate 50% expansion over 1975. The 61 new manufacturing investments announced in 1976 is a ten-year high. While the unemployment rate has been reduced somewhat, any dramatic change this year will depend primarily on the success of federal pump priming efforts.

Nebraska was up one third in new housing permits the first three quarters in 1976 over the previous year. Our tourism industry had its best summer, when over seven and a half million non-residents visited all parts of our state. Tourism receipts to our economy approached nearly a half billion dollars.

Recent studies reflect that our population has grown faster than our neighboring states. We desire to continue to increase in this category, but at a measured rate.

While the overall picture for 1976 was good and predicted to improve this year, there is a most serious question mark about our number one industry, agriculture. The past year was not a good one for our farmers and ranchers, agriculture has been hit by three maladies simultaneously: drought, low prices, and steadily increasing costs of production essentials. A healthy Nebraska economy cannot be sustained unless there is an equalization of these three serious problems facing our agricultural producers. New and improved federal agricultural policies have been promised.

We have had three years of some degree of drought. Last summer, I found it necessary to declare half of our counties disaster areas.

There is scientific evidence that supports concerns that we may be in a severe drought cycle, the type that has economically devastated the midwest previously.

As we proceed, we must be aware of this primary threat to our farmers and ranchers and the possible detrimental effect on our economy. To do otherwise would be irresponsible.

This does not mean that we should proceed with trepidation as we face the most important consideration of this or any other legislative session.. . .the building of a prudent and workable budget, based upon balancing income with outgo.

This is February 10. Ninety days from now we will have a much clearer picture of the extent of the drought and three additional months of actual revenue receipts. By that time we will also have a better understanding of how the energy crisis will affect Nebraska. By May 10, then, probably about the time your honorable body will be making your final budget determinations, the Nebraska economic situation will be in clearer focus. By that date, if there are substantial changes not currently predictable, I shall advise you of any necessary alterations in my budget recommendations. I emphasize now that if revenue predictions are not holding then, further painful reductions might be necessary in capital construction and other areas.

By careful planning and employing a businesslike approach to the state's resources and obligations, in full cooperation with the State Treasurer, we will continue to manage any temporary cash flow problems that may occur during the last five months of this fiscal year by temporarily calling on, if necessary, some future obligated but currently available funds which are not a part of the General Fund. We have always kept the state in the black. We have been operating a multi-million dollar business with less than desirable working capital. We need at least a 6% overlevy next year to guard against possible drought connected revenue losses and to assist in any cash flow problems.

Unlike subdivisions of state government, who know almost precisely what their income will be when preparing budgets for the next year, we at the state level do not enjoy that dollar income guarantee. We must rely on "estimates" of how much will be received from sales and income taxes. It is well known that revenue projecting is an inexact science because of the unknown variables affected by the uncertainty of economic conditions across the state and the health of the national economy which also affects Nebraska. That is why the state law requires a "reserve," or "overlevy," after total appropriations are set. Our Department of Revenue has done a good job over the years on estimates, missing by only 5% of their projections last year; but that left a shortfall of $21 million in anticipated receipts. Coupled with minimum reserves allowed by law and excessive expenditures, a problem developed. For the first seven months of this year, primarily because of low farm prices, drought, and the unfavorable national economic picture, we are now approximately $13 million below expectations. The first five months of this fiscal year were below estimates while the last two months have been right on projections, or slightly improved. However, the June 30 year-end balance will be low - just one more reason demanding spending restraints.

The executive budget represents a sound and solid work product completed after extensive and time consuming deliberations. No decisions were easy. I have reduced by $37 million agency requests to bring the budget within the framework where we can hold the line on sales and income tax rates and still meet essential needs.

Despite the $37 million reductions I have made from agency and department requests for operations and state aid next year, total general fund expenditures are recommended at $473 million, up $36 million or 8% from the current year. To that recommended expenditure, we must add $29 million for the 6% reserve, $7.3 million for minimum capital expenditures, and $6 million for increased food tax exemptions which all appear to accept as fair and necessary. This brings total general fund obligations and reserves to $515 million, the same figure estimated in total receipts and carry-over funds at the fiscal year. The executive budget is therefore balanced and based upon no increase in sales and income tax rates.

All revenue sharing and cigarette tax funds are obligated for capital construction, most of which have been previously appropriated by the Legislature.

As stated, my suggestions include an additional $6 million necessary to raise the food tax credit from $16 to $20 per person. If the Legislature can make reductions in my budget to cover the additional multimillion dollars necessary to eliminate the sales tax on food at the grocery counter altogether, I would agree, provided other necessary functions are not eliminated in the process. A better method of finally eliminating completely the sales tax on food at the grocery counter which I have always supported, might be the suggested phased plan over two years on raised credits then elimination of this tax. However, you struck that idea yesterday.

Because of my budget reductions as to requests and rejection of new spending programs already introduced in this body, there will be heard howls of anguish minutes or seconds after I have finished here this morning. That will be nothing, however, and I warn the Legislature accordingly, to the outpouring you will hear if you, by your actions, cause raises in the state sales and income tax rates. I urge you to accept the fact now that you have only essentially $473 million to appropriate. You have the prerogative of changing my specific recommendations within that total, make reductions and additions where you think best, as my recommendations are not considered infallible. But please, again I urge, accept the fact first that you have only that $473 million to spend. There are areas that I also would have liked to recognize, but budget restraints dictated by priorities prevented that.

A case in point can be made in how well we have done for university financing when we consider that just three years ago the University General Fund Budget was only approximately half of what I am recommending next year.

I urge once again that the Legislature set up a proper display in this chamber that will show daily your maximum $473 million spending limit and reduce that amount accordingly each time you authorize expenditures.

I recommend once again that all nonessential "A" Bills be held in your Appropriations Committee to be brought forth by that committee with its final total recommendations so that you may have an accurate figure on total appropriations before you act.

The Legislature should be alerted to the fact that already there has been introduced new spending measures in this body this year totaling over $80 million. That figure, coupled with the $37 million I have recommended for elimination from agency requests shows that you have a total of at least $117 million to reduce. The Legislature must now begin its job to set priorities on spending and establish limits. You have a lot of "No" saying to do to many, including some of your own.

Forty percent of the increase in General Funds over last year is necessary because of long-range legislative predetermined commitments. While I have disagreed with some, I bow to past legislative dictates and have funded all your previous ongoing decisions including an additional $13 million for personal property relief, which will bring that single reimbursement to subdivisions of the state to $53 million next year.

Another additional $1.3 million is required for homestead exemptions.

The breakdown of state spending under my budget matched against total anticipated state dollar receipts shows the following percentage allocation for next year:

52.3% in aid to subdivisions of state government (primarily counties, municipalities, and school districts) and individuals.

24.4% to higher education (the university and the four state colleges).

23.3% to all other services and operations of the state.

With the bills presented here this morning, we have developed a new format. All state generated funds that are paid out to subdivisions of state government and not spent by the state itself are in the form of separate bills so that all may clearly understand where the money goes.

Hopefully, this might help quell the great hue and cry that fills these halls each year at this time with trumpeted demands that state coffers must be tapped again and again, more and more, from the magnificent and mysteriously endless pot of gold that majestically pours forth from the big tall building in Lincoln.

Many new spending demands for more state aid are usually cloaked in the familiar and near sacred garb of providing tax relief. We have had nearly ten years of the sales and income taxes and hundreds of millions of dollars of expenditures for tax reduction schemes, and yet, no meaningful tax relief. For example, when the Legislature passed the "tax relief" bill for business inventory over my veto in 1972, it set in motion a phased program that has so far cost the General Fund a total of $88 million, and that total will grow to $141 million next year.

The time has come to call a halt, or at least a long pause and careful reconsideration, before we plunge down the same spending road that has proven only thus far that it leads to a black bottomless spending pit from whose bourn no traveler or dollar ever returns.

We will now turn to some specific agencies and my recommendations.

The new capital construction budget is extremely limited. We have funded all necessary and requested funds for maintenance repairs and renovations as first priority. This carries a cost figure of $7 million. There are only three new structures recommended, all items that have been long delayed because of budget restraints.

First, is a needed tractor testing facility for the agricultural campus at $1 million. Second, is the long delayed health, physical education and recreational building at the Omaha campus at $4 million, reduced from their request of $7.3 million. There will be claims that the Governor's recommendations are not sufficient. We have checked recent costs of similar facilities at other campuses, and are convinced that amount is adequate. Third, a badly needed physical education facility at Peru State College at $1.7 million, reduced from the requested figure of $2.8 million.

The University of Nebraska, and education in general, has always received my strong support and will in the future. We can all be proud of our great university and its excellence and must assure its viable future.

Yet, I have strenuously objected to what I consider some excessive appropriations and the general feeling by some that the substantial increase I have recommended each year was just a starting point for bargaining with the Legislature for even more additional spending. The university has been amazingly successful in lobbying the Legislature even over my vetoes. Nevertheless, I shall persist in doing what I believe to be right and reasonable.

By most standards of measurement, the University of Nebraska and higher education in general in Nebraska is financially supported near the top in any state-by-state comparison. The "chronicle of higher education" and other nationally recognized studies show that higher education in Nebraska is prospering. In the latest standings among states, we rank fifth from the top in the past two years of percentage of increased tax funds for higher education, up 43%. We also rank fourth from the top in this category for the past ten years, up 457%. Only three other states in the nation share the distinction with Nebraska of ranking in the top ten states in both the last two and ten year categories of increased percentage spending of tax dollars for higher education. Those other three states with us in this elite category are Alaska, Idaho and Texas.

A case in point can be made in how well we have done for university financing when we consider that just three years ago the University General Fund budget was only approximately half of what I am recommending next year.

I was astounded when the university requested a further General Fund increase for operations of 18% for fiscal year 1977-78, after receiving increases of 23% in 1976-77, 20% for 1975-76, and 25% for 1974-75, remember this is a compounding increase each year, building and building as the years go by.

Depite the mammoth capital construction increased authroizations each year, the university has requested new monies totaling over $52 million primarily for construction and renovations in the next two to three years. Included in that figure was preliminary planning and the development of cost estimates for at least eight new structures planned for construction in the near future. We cannot afford that and maintain operation funds to guarantee quality education at Nebraska.

During all of this period of startling increased tax dollars appropriations for operations, we have also seen vast new construction expenditures and plans for more, while student full-time equivalent enrollment has been static or declining.

The requested 18% increase for next year of $112 million for operations is far in excess of real need, and I am recommending an overall 6.5% addition for the university system for a figure of $100.8 million, up from $94.6 million this year. My recommendation is in line with recent suggestions by some members of the Board of Regents. In capital construction, I have allowed essentially only maintenance and repair requests, in addition to the tractor testing and HPER construction.

I again call for allowing great flexibility for the Regents in carrying out their management duties and allotment of expenditures.

There has been created a Regent's Discretionary Fund, and I recommend at least $700,000 from that source go to further improve the institute of agriculture.

I am providing the Regents the opportunity to reduce the central administration to half its present size, to convert employees into staff for the Regents, to reallocate resultant savings of approximately half a million dollars to program improvements at the campuses, and to restore the three Chancellors to more traditional roles of leadership in and for their academic communities.

While ultimate decisions should be made by the Regents, I have some firm recommendations on the medical school. Our medical college has developed into a highly regarded facility with expertly qualified faculty and a good physical plant for medical teaching and research. Nebraska taxpayers have handsomely expanded funding for our medical college in recent years with the hope and promise that more general practice physicians would be available for rural practice. I have not been satisfied with the results.

The State Department of Health has accumulated some rather alarming statistics that prove my point. In the first half of the 1960's, the medical school graduated 382 physicians and 22 of those are practicing in rural Nebraska; in the last half of the sixties, the graduates totaled 419, but only 11 are in rural practice; in the first half of the 1970's, there were 683 graduates, but only 7 are currently in rural practice. The higher the total graduates, the less we find locating in areas of primary concern. We do not wish to place a damper on research or those seeking training in any area of medicine. Rather, we insist on more concentration on family practice as a better recognized specialty. Most recently the medical school added on one extra year of training for graduates, a move that unquestionably will deter us further in meeting our urgent need, unless we can integrate that extra year into the present residency program.

It is obvious that a strong message must be sent, one that cannot be misunderstood, through the Regents and to the medical college. I am suggesting a three-point program to solve this problem.

First, I am recommending placing $1 million of the Medical School's budget request in the hands of the Regents to be expended only upon satisfactory demonstration by the school to the Regents that current trends will be reversed and how they propose to accomplish same. The age-old professional excuses and jargon will not suffice.

Secondly, I am suggesting a relatively small amount of funds to support the Nebraska Health Manpower Referral Office, headed by your former colleague, Senator Tom Kennedy, in support of his ongoing efforts to recruit more qualified physicians from whatever the source.

Thirdly, I am recommending by a bill introduced here this morning for your approval to create a commission on Rural Health Manpower. The purpose would be to advise the Governor, the Legislature, and the Regents

and through them the medical college on rural health needs and how to best accomplish correction of the present course. The commission would be created for only three years and would end then unless renewed by the Legislature. The seven member commission would be appointed by the Governor, confirmed by the Legislature, and would consist of a medical student primarily concerned with family practice, the Director of Health, three rural physicians, and two lay representatives of rural Nebraska.

Notwithstanding the the Regent's high priority approval accordingly, I am unalterably opposed to the multi-million dollar request, at least at this time, for a new cardiovascular facility on the college of medicine campus. It would be nice, I concur, but priority considerations do not allow such a capital expenditure now, to say nothing of future staggering outlays required for new staff.

I hope that this will not be construed in such a manner as to suggest that the Governor is for heart disease or heart attacks. Many highly respectable heart specialists and other physicians have advised me that they are dubious of the critical need of such a program in Nebraska and question if the proposal would not expensively and unnecessarily duplicate existing facilities and research currently available in Nebraska and elsewhere. At best this idea deserves more study, and we should not be stampeded into such an undertaking.

The state colleges carry on an important role in our overall higher education programs. For next year, I have suggested a percentage increase of 6.8% for $1 million additional funding over last year.

Our community technical colleges are doing an excellent job in meeting educational requirements in their field of higher education. In my budget, I have provided an additional $600,000 over last year in state aid to these locally controlled colleges.

The State of Nebraska is privileged to have hardworking and dedicated public servants who carry out their assigned duties with responsibility. They are struggling, like others, to meet their obligations and raise their families under economic pressures. They are entitled to a raise in salary next year of 4% on July 1, 1977 and an additional 3% on the anniversary date of their joining government service. This is equivalent to a yearly increase cost to the General Fund of 5½%.

Human services and their necessary increased funding are a priority consideration in the executive budget. You will find $1.2 million to maintain aid to local transit authorities, primarily to assist senior citizens; increased rates for foster care homes for children; needed improved funding for the aged, blind and disabled services including foster care, board and room, setting rental rates and state supplemental programs for alternatives to institutional living; $1 million additional for the Veterans' Trust Fund; increases for aid to dependent children of $1 million, to cope with steadily mounting costs of fuel and other necessities; and funds to assist in improving collections of child support payments.

In the area of mental retardation, the Governor's budget calls for $750,000 in new funds plus reappropriation of any carryover not

expended this year to further assist community based programs to assume clients from the Beatrice Home. For the Beatrice Home itself, my recommendations provide for full support in meeting national accreditation standards for that institution, making it one of the first larger multi-purpose institutions in the nation to be so accredited and necessary capital construction to meet new federal medicaid requirements.

I am requesting an increase in special education funding of nearly $2 million over this year for a total of $15.4 million in fiscal 1977-78.

Alcoholism continues to be a serious problem, and in my recommendation is $1.1 million from the Department of Institutions Alcoholism Cash Funds to be distributed to the six regional mental health boards to be combined with matching funds. The funding for this is made possible by LB 293, that was introduced at my request, to raise taxes on alcoholic beverages.

In the field of corrections, it has been found that the 1973 legislative professional study predicting a yearly 6% growth in inmate population was far short of the actual situation. Instead, we have been increasing at the overall rate of 15% per year. Since fiscal year 1974-75, the Penal Complex in Lincoln, which comprises the penitentiary and the reformatory, has increased from 1,030 to the current population of 1,329. In my budget, we are suggesting to raise funding to a base of 1,500 on average monthly population at the two Lincoln facilities and 100 at the Women's Institution at York.

In the Lincoln institutions, the budget provides for further upgrading of medical staff which has been already vastly improved to 29 at present. That represents a doubling of professionals in this area in the last four years.

In penal capital construction, we have recognized the third-year phased funding for the Lincoln medium-minimum facility and provided for 64 needed additional beds to be employed as a chemical dependency unit and additional residential areas.

For the Omaha reformatory-type unit, we have provided for the second year appropriation as planned as well as an additional $504,000 required to overcome foundation problems and other heretofore unknown costs.

To move ahead and expedite our overall penal capital construction needs, I have recommended $2.3 million for the initial construction and renovation of the maximum security facility which is estimated to cost a total of $16.8 million for this project alone before completion. Yes, that is a lot of money, but unfortunately, there are no alternatives. These kinds of required state expenditures now and in the immediate future should be a further sober warning when we consider our expenditure patterns and review ever-increasing demands of subdivisions for further commitments of state revenue.

To meet the ever-growing needs for recreation and improvements in our state park systems, I have approved a 10% increase over last in General Fund support for the Game and Parks Commission. In addition, $350,000 in Public Works Employment Funds have been delegated to that agency

for park improvements. This program should be sufficient, and I wish to declare my opposition to the proposed tax on soda pop. If there are additional needs in this area, why should not the Legislature address the problem as I have from the General Fund this year and next. I do not see the reason or need for this new tax.

Nebraska's water resources is a most important subject of this session, and I suspect the next one.

There is no easy solution to this pressing problem. The Governor generally agrees with the solutions suggested by the chairman and vice chairman of your Public Works Committee, whom I consider two of the best informed and trustworthy experts on water related matters in the state. I am sure that this committee will not be stampeded into any overt action and will carefully and thoughtfully consider all aspects of this important issue.

Provided for in the executive budget are funds to expand the field staff of the Department of Water Resources to meet growing needs in this area and funds to institute a five-year expansion plan of the department's stream gauging program

Again this year, I am recommending another $1 million for a natural resources development fund to be employed by the Natural Resources Commission. With this addition, the fund will reach nearly $4 million which can be well used in many resource development projects.

This, then, is a general overview of my budget recommendations to the Legislature. It is now "open season" on this yearly proposal that always infuriates some and satisfies none. I assure you that it is an entirely workable document and was completed only after hours, days, weeks, and months of intensive study, consultation, objective criticism, negotiations and renegotiations, and I particularly thank the hardworking Budget Division of the Department of Administrative Services for their efforts. In preparation of the budget recommendations, we do not claim exact perfection. It is introduced for your consideration and hopeful approval in general.

The executive budget is now in your hands for help in performing your yearly most important duty, the authorizing of expenditures of state government for the next fiscal year.

Thank you for your attention.

The committee escorted the Governor from the Chamber.

REFERENCE COMMITTEE REPORT

LB	Committee
479	Appropriations

(Signed) Richard D. Marvel; Jack Mills; Douglas Bereuter; Larry D. Stoney; Steve Fowler; Roland Luedtke; William E. Nichol and John S. Savage.

NOTICE OF COMMITTEE HEARING
Education

LR 8 Tuesday, February 22, 1977 2:00 p.m.

(Signed) F. Lewis, Chairman

SELECT COMMITTEE REPORT
Rules

Mr. President,

The Rules Committee met February 9, 1977 at 12 noon and acted favorably on the attached rule changes.

(Signed) John DeCamp, Chairman

Amend the DeCamp proposed rule change to Rule 7, Section 2 (d), found in the Journal on Pages 339 and 340, to read as follows:

(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, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes.

Amend the Barnett proposed rule change to Rule 1, Section 12, found in the Journal on Page 289, to read as follows:

Rule 1 – Officers and Employees
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~~ a challenge to the Legislature by any member, on which ~~appeal~~ challenge no member may speak more than once, unless by leave of the Legislature. ~~A majority of the elected members may overrule the Chair~~. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the chair be sustained?". A majority of the elected members shall be required to sustain the chair.

Amend Rule 7, Sec. 2(c) to read:

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the

electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

Amend Rule 5, Section 6 (g) to read as follows:

When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation of $50,000 or more to implement in the ensuing fiscal year an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared ~~by the Fiscal Analyst and~~ at the direction of the Chairman of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill ~~at the time the original bill is reported to General File~~ or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added ~~(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.~~

(h) All bills for which an "A" bill is prepared or required, shall be considered in their usual order, and no bill shall be delayed because of a need for an "A" bill, provided that the bill shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(i) 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.

(j) ~~(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.

(k) ~~(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.

(l) ~~(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.

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

Mr. Mills offered the following amendment to the DeCamp rule change on page 432 of todays Journal.

Rule 1, Sec. 12 – Strike "Shall the Chair be sustained?"
and insert "Shall the Chair be overruled?"

MOTION–Introduce Bill

Mr. George moved the introduction of a new bill by the Committee on Urban Affairs (Req. No. 758) relating to exempting cities of second class and villages from election requirement.

The motion lost with 15 ayes, 0 nays, 31 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 220. Considered.

Mr. Dworak moved to bracket LB 220 until March 10.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 8 nays and 17 not voting.

The Dworak motion to bracket lost with 13 ayes, 17 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Schmit offered the following amendment:
On page 10, line 17 after the word Control, insert "Cash."

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Burrows offered the following amendment:
1. On page 8 strike beginning with "The" in line 6 through "be" in line 8 and also strike beginning with "punished" in line 10 through the period in line 11.

Mr. Marvel asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 22 ayes, 3 nays and 24 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

The Burrows amendment was adopted with 27 ayes, 8 nays, 10 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT – Print in Journal

Mr. Kelly asked unanimous consent to print the following amendments to LB 103 in the Journal. No objections. So ordered.

1. On page 4, line 27 strike "no".
2. On page 5, strike beginning with "The" in line 2 through "N.D.P.S." in line 5 and insert "Every preprinted prescription form in this state shall contain a box on the left side of the form with the words drug product selection permitted. A medical practitioner authorized to prescribe drugs or medicinal substances may permit the pharmacist to dispense an equivalent drug product as defined by this act by telephone communication or by initialing the box marked drug product selection permitted. The medical practitioner by placing such practitioner's initials in the box shall thereby indicate the prescribing instructions to the pharmacist. The phrase drug product selection permitted or the notation D.P.S.P. shall be noted by the pharmacist"; and in line 18 after "." insert "(5) A pharmacist shall not drug product select a product under the provisions of this section unless: (a) The product has been marked with an identification code or monogram; (b) the product has been labeled with an expiration date; (c) the manufacturer provides reasonable services to accept return products that have reached their expiration date; and (d) the manufacturer maintains recall capabilities for unsafe or defective drugs.".
3. On page 7, line 21 after "." insert "(4) If product selection occurs, the pharmacist shall within forty-eight hours inform the office of the prescriber of such selection so that the records of the patient may be corrected.".

Mr. Maresh aksed unanimous consent to print the following amendments to LB 29 in the Journal. No objections. So ordered.

1. On page 4, line 26, strike "order", and insert "propose".

2. On page 5, strike beginning with "The" in line 2 through the period in line 7 and insert "The county board shall call a special election for the purpose of approval of the formation of such district and the boundaries thereof by a majority of the qualified electors of the area affected by such district. Approval may also be voted upon at any primary or general election.".

3. On page 5, strike beginning with "At" in line 8 through the comma in line 9 and insert "If the voters approve the formation and boundaries of the district,"; and in line 10, strike "election" and insert "appointment by the county board".

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 14. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

ANNOUNCEMENT

Mr. Maresh announced an executive session of the Business and Labor Committee at 8:30 a.m., on Friday, February 11, 1977 , under N. balcony.

RESOLUTIONS

LEGISLATIVE RESOLUTION 10.
Introduced by Speaker Luedtke, 28th District; Marvel, 33rd District.

WHEREAS, Robert E. Whelan, Commander, U. S. Navy (Retired) was taken from this life on February 9, 1977 after enduring a brief illness; and

WHEREAS, Commander Whelan graduated from Hastings High School in 1937 and the University of Nebraska at Lincoln in 1941 before embarking upon his career of service to his country; and

WHEREAS, Robert E. Whelan is survived by his wife Shirley, three children and six brothers including the Lieutenant Governor of Nebraska, Gerald T. Whelan.

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

1. That the members of the Legislature extend their sympathy and best wishes to the members of Robert E. Whelan's family.

2. That a copy of this resolution be presented to Lieutenant Governor Whelan on behalf of the family of his brother.

Speaker Luedtke moved to suspend the rules and consider LR 10 today. The motion prevailed with 35 ayes, 0 nays and 14 not voting.

LR 10 was adopted with 41 ayes, 0 nays and 8 not voting.

GENERAL FILE

LEGISLATIVE BILL 220. Considered.

Mr. Schmit offered the following amendment:

1. On page 8, line 22 after "and" insert "the sales of which are consummated" and strike "sold"; in line 26 after "sales" insert "consummated"; and in line 27 after the second "of" insert "such".

2. On page 10, line 14 strike "or" and insert a comma, after "raising" insert ", or slaughtering and related processing in connection therewith".

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

MESSAGE FROM THE GOVERNOR

February 9, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 82, 85, and 116.

These bills were signed by me on February 8, 1977 and delivered to the Secretary of State.

Sincerely,

(Signed) J. James Exon
Governor

JJE:f

VISITORS

The President introduced 55 Kindergarten, 1st & 2nd grade students, teachers and parents from Prescott Grade School, Lincoln; 20 Senior students, teacher and visitor from Kearney High School, Kearney; 45 8th grade students, teachers and sponsors from St. Mary's School, David City; 8 7th grade students and teacher from Yankee Hill School, District 3,

Lincoln; 9 seniors and teacher from Central Catholic High School, Grand Island; Tom Tidball, Sri Lanka, Basil Mihiripenna, Anil Mihiripenna formerly from Ceylon; Mrs. Sriyani Tidball, Rama and Subha; Mickie Johnsen.

ADJOURNMENT

At 11:55 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, February 11, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SECOND DAY—FEBRUARY 11, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 11, 1977

Pursuant to adjournment, the Legislature met at 9:00 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 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 Legislature 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 Messrs. Barnett, Koch, R. Lewis, and Venditte who were excused and Mr. Goodrich who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-First Day was approved.

UNANIMOUS CONSENT—Member Excused

Mrs. Maxey asked unanimous consent to be excused from 9:40 a.m. until 11:30 a.m. this morning. 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 February 10, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Law firm of Crosby, Guenzel, Davis, Kessner & Kuester: – Davis, Donn E. - Lincoln, Lower Platte South NRD
Dougherty, Oren E. - Colorado, Eli Lilly & Company
Flynn, John F. - Illinois, CIBA Pharmaceutical Company
Gehring, Stephen E. - Lincoln, Iowa Beef Processors, Inc.
Hansen, Christian C. - Omaha, ConAgra, Inc.
Hardy, George A. - Wisconsin, Northwestern Mutual Life Insurance Company
Hasselbalch, Hal - Lincoln, Lynn S. Lightner
Law firm of Knudsen, Berkheimer, Endacott & Beam: Beam, C. Arlen - Lincoln, Village of Doniphan; Ruth, Larry L. - Lincoln, Village of Doniphan
Kohl, Jan E. - Lincoln, National Organization for Women (N.O.W.)
Rasmussen, Delmar L. - Omaha, E. F. Hutton & Company, Inc.; Father Flanagan's Boys' Home; Kutak Rock Cohen Campbell Garfinkle & Woodward; Life Insurers' Temporary Assocation; Metropolitan Arts Council
Ryan, James, E. - Lincoln, Coin Operated Industries of Nebraska
Tews, David D. - Lincoln, Nebraska Independent Crude Producers

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 99. Placed on General File.
LEGISLATIVE BILL 219. Placed on General File.
LEGISLATIVE BILL 357. Placed on General File.
LEGISLATIVE BILL 127. Indefinitely postponed.
LEGISLATIVE BILL 354. Indefinitely postponed.
LEGISLATIVE BILL 461. Indefinitely postponed.

(Signed) Orval Keyes, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 123. Placed on Select File as amended.
E & R amendment to LB 123:

1. In the title, strike lines 4 and 5 and "vehicles" in line 6 and insert "to change the number of vehicles that may be registered on a calendar year basis".

LEGISLATIVE BILL 237. Placed on Select File as amended.
E & R amendment to LB 237:
1. In the title, line 5, insert "incorporated as a nonprofit corporation" after "museum".

LEGISLATIVE BILL 191. Placed on Select File as amended.
E & R amendment to LB 191:
1. On page 4, line 11, insert "favorably" after "been".

LEGISLATIVE BILL 10. Placed on Select File.

LEGISLATIVE BILL 167. Placed on Select File as amended.
E & R amendment to LB 167:
1. On page 2, lines 6 and 7, strike "where" and insert "~~where~~ when".

LEGISLATIVE BILL 115. Placed on Select File as amended.
E & R amendments to LB 115:
1. On page 3, line 25, insert an underscored comma after "treasurer".
2. On page 4, strike beginning with the comma in line 1 through the second comma in line 2.

LEGISLATIVE BILL 119. Placed on Select File as amended.
E & R amendment to LB 119:
1. On page 2, insert "or" at the end of line 23.

LEGISLATIVE BILL 30. Placed on Select File as amended.
E & R amendment to LB 30:
1. In lieu of the Simon amendment, on page 3, line 24, strike "twenty" and insert "twenty-four".

Correctly Engrossed

The following bill was correctly engrossed: 17.

Correctly Enrolled

The following bills were correctly enrolled: 23, 49, and 72.

(Signed) Samuel Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 23, 49, and 72.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 488. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to amend sections 79-2644 and 79-2651, Revised Statutes Supplement, 1976, relating to technical community colleges; to change filing dates; to provide an operative date; to change the time for distribution of funds; to repeal the original sections, and also section 79-2652, Revised Statutes Supplement, 1976; and to declare an emergency.

LEGISLATIVE BILL 489. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to make appropriations for the period of July 1, 1977, to June 30, 1978, to defray the expenses of postsecondary education; and to declare an emergency.

LEGISLATIVE BILL 490. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to make appropriations and reappropriations for the period of July 1, 1977, to June 30, 1978, for state aid to local governments and individuals; and to declare an emergency.

LEGISLATIVE BILL 491. By Speaker Luedtke, 28th District, at request of 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, 1977 to June 30, 1978; and to declare an emergency.

LEGISLATIVE BILL 492. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to appropriate funds 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, 1978; to provide for the payment thereof; and to declare an emergency.

LEGISLATIVE BILL 493. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to make appropriations and reappropriations for the expenses of state government for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

LEGISLATIVE BILL 494. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to create the Commission on Rural Health Manpower; to provide duties; to provide membership of the commission; and to provide for termination of the commission.

LEGISLATIVE BILL 495. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT relating to appropriations; to provide authorizations; to make appropriations and reappropriations for capital construction, planning, repair, renovation, and demolition; to reaffirm previous appropriations; to authorize the acceptance of gifts; to provide duties; to provide severability; and to declare an emergency.

LEGISLATIVE BILL 496. By Speaker Luedtke, 28th District, at request of Governor.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1976, relating to assistance for children; to increase the amount of assistance available to qualified persons; and to repeal the original section.

MOTION—Introduce Bill

Mr. George moved the introduction of a new bill by the Committee on Urban Affairs. (Req. No. 376)

The motion prevailed with 32 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 497. By Urban Affairs Committee: George, 16th District, Chairman; Schmit, 23rd District; Maxey, 46th District; Kahle, 37th District; Labedz, 5th District; DeCamp, 40th District.

A BILL FOR AN ACT to amend section 29-104, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedure; to redefine prosecuting attorney; and to repeal the original section.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 117.

A BILL FOR AN ACT to amend section 79-490, Revised Statutes Supplement, 1976, relating to schools; to provide a limitation on payment of a transportation 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, 44:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Hasebroock	Hefner	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 0.

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Barnett	Koch	R. Lewis	Venditte

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

LEGISLATIVE BILL 146.

A BILL FOR AN ACT relating to education; to provide that the State Board of Education may acquire liability insurance as prescribed; and to provide for the termination of authority.

Whereupon the 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:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Hasebroock	Hefner	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 0.

Absent and not voting, 1:

Goodrich

Excused and not voting, 4:

Barnett	Koch	R. Lewis	Venditte

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

SELECT FILE

LEGISLATIVE BILL 231. E & R amendment found in the Journal on page 416 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 132. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 256. Mr. Chambers offered the following amendment:

Raise the speed limit on the interstate system to 65 MPH.

Mr. Kremer asked unanimous consent to bracket LB 256.

Mr. Chambers objected.

Mr. Kremer moved to bracket LB 256. The motion lost with 17 ayes, 20 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Clark 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 26 ayes, 8 nays, and 15 not voting.

The Call showed 45 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 21:

Bereuter	Boughn	Brennan	Burrows	Chambers
Clark	DeCamp	Fitzgerald	George	Hefner
Labedz	F. Lewis	Luedtke	Maxey	Mills
Murphy	Nichol	Rasmussen	Reutzel	Savage
Simon				

Voting in the negative, 24:

Carsten	Cope	Cullan	Duis	Dworak
Fowler	Goodrich	Hasebroock	Kahle	Kelly
Keyes	Kremer	Lamb	Maresh	Marsh
Marvel	Merz	Moylan	Newell	Rumery
Schmit	Stoney	Swigart	Warner	

Excused and not voting, 4:

Barnett	Koch	R. Lewis	Venditte

The Chambers amendment lost with 21 ayes, 24 nays, and 4 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Chambers requested a machine vote on advancing LB 256.

Advanced to E & R for Engrossment with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 133. E & R amendment found in the Journal on page 416 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 254. E & R amendment found in the Journal on page 416 for the Twenty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 134. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 30 in the Journal. No objections. So ordered.

Amend LB 30 on Select File to strike $24 and insert $20

SELECT COMMITTEE REPORTS
Committee on Committees

February 11, 1977

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.

Mr. Arthur C. Johnson – Nebraska Investment Council

No one appeared in support and no one appeared in opposition to Mr. Johnson's appointment.

Committee Vote: For: (9) Senators Burrows, Cope, Dworak, Koch, Labedz, Marsh, Moylan, Murphy and Savage. Against: None. Not voting: None. Excused: (4) Senators DeCamp, F. Lewis, Mills and Rasmussen. Absent: None.

Mr. Richard Wood – Power Review Board

No one appeared in support and no one appeared in opposition to Mr. Wood's appointment.

Committee Vote: For: (9) Senators Burrows, Cope, Dworak, Koch, Labedz, Marsh, Moylan, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators DeCamp, F. Lewis, Mills and Rasmussen. Absent: None.

Mr. Jack Lederman – Power Review Board

Senator Cope appeared in support of Mr. Lederman. No one appeared in opposition.

Committee Vote: For: (9) Senators Burrows, Cope, Dworak, Koch, Labedz, Marsh, Moylan, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators DeCamp, F. Lewis, Mills, and Rasmussen. Absent: None.

Mrs. Jack Stark – Special Education Appeal Board

Motion was made and seconded to lay over the appointment of Mrs. Stark until the next hearing.

February 11, 1977

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.

Mr. George Arnett
Commission on Fire Fighting Personnel Standards

No one appeared in support and no one appeared in opposition to Mr. Arnett's appointment.

Committee Vote: For: (9) Senators Burrows, Cope, DeCamp, Dworak, Labedz, Rasmussen, Marsh, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators Koch, F. Lewis, Mills, and Moylan. Absent: None.

Mr. R. Jerry Hargitt – Nebraska Arts Council

Senators Savage, Labedz and Marsh appeared in support of Mr. Hargitt's appointment. No one appeared in opposition.

Committee Vote: For: (9) Senators Burrows, Cope, DeCamp, Dworak, Labedz, Rasmussen, Marsh, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators Koch, F. Lewis, Mills, and Moylan. Absent: None.

Marjorie Sederberg – Special Education Appeal Board

Senator Burrows appeared in support of Ms. Sederberg's appointment. No one appeared in opposition.

Committee Vote: For: (9) Senators Burrows, Cope, DeCamp, Dworak, Labedz, Rasmussen, Marsh, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators Koch, F. Lewis, Mills, and Moylan. Absent: None.

Mr. C. R. Lambert – Environmental Control Council

Senator Dworak appeared in support of Mr. Lambert's appointment. No one appeared in opposition.

Committee Vote: For: (9) Senators Burrows, Cope, DeCamp, Dworak, Labedz, Rasmussen, Marsh, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators Koch, F. Lewis, Mills, and Moylan. Absent: None.

Mrs. Helen Lassek – State Personnel Board

No one appeared in support and no one appeared in opposition to Mrs. Lassek's appointment.

Committee Vote: For: (9) Senators, Burrows, Cope, DeCamp, Dworak, Labedz, Rasmussen, Marsh, Murphy, and Savage. Against: None. Not voting: None. Excused: (4) Senators Koch, F. Lewis, Mills, and Moylan. Absent: None.

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session at 1:30 p.m. in the East Chamber today.

MOTIONS—Introduce Bills

Mr. Rasmussen moved the introduction of a new bill by the Committee on Government, Military, and Veterans Affairs. (Req. No. 769)

The motion prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works. (Req. No. 767)

The motion prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 498. By Government, Military, and Veterans Affairs Committee: Rasmussen, 41st District, Chairman; Simon, 31st District; George, 16th District; Stoney, 4th District; Maxey, 46th District; Nichol, 48th District; Chambers, 11th District.

A BILL FOR AN ACT to amend section 19-1806, Reissue Revised Statutes of Nebraska, 1943, relating to civil service; to eliminate certain age requirements; and to repeal the original section.

LEGISLATIVE BILL 499. By Public Works Committee: Kremer, 34th District, Chairman; Boughn, 21st District; Merz, 1st District; Swigart, 8th District; Moylan, 6th District; Kelly, 35th District.

A BILL FOR AN ACT relating to cities of the metropolitan class; to authorize a metropolitan utilities district to agree with other gas distribution companies or municipalities for the sharing of available gas supplies; and to declare an emergency.

LEGISLATIVE BILL 81A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 81, Eighty-fifth Legislature, First Session, 1977.

REFERRENCE COMMITTEE REPORT

LB	Committee	LB	Committee
488	Education	493	Appropriations
489	Appropriations	494	Pub. Hlth. & Wel.
490	Appropriations	495	Appropriations
491	Appropriations	496	Pub. Hlth. & Wel.
492	Appropriations		

(Signed) Richard D. Marvel, Chairman; William E. Nichol; Douglas Bereuter; Steve Fowler; Roland A. Luedtke; Jack Mills; Larry D. Stoney; John S. Savage.

MOTION—Withdraw LB 151

Mr. Clark moved to withdraw LB 151.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 220. Considered.

Mr. Fowler offered the following amendment:
Add on page 9 line 24:
(13) wine and alcoholic beverages
(14) automobiles and auto parts
(15) tires
(16) furniture and appliances

Mr. Fowler moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Fowler requested a division of the question on his amendment.

The Fowler amendment (13) wine and alcoholic beverages was adopted with 33 ayes, 2 nays, 9 present and not voting, and 5 excused and not voting.

The Fowler amendment (14) automobiles and auto parts was adopted with 26 ayes, 8 nays, 10 present and not voting, and 5 excused and not voting.

The Fowler amendment (15) tires was adopted with 27 ayes, 10 nays, 7 present and not voting, and 5 excused and not voting.

The Fowler amendment (16) furniture and appliances was adopted with 26 ayes, 11 nays, 7 present and not voting, and 5 excused and not voting.

The Fowler amendment on the whole was adopted with 28 ayes, 11 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Mills moved to Indefinitely postpone.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 22 nays, and 15 not voting.

Mr. Clark 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 motion lost with 9 ayes, 27 nays, 8 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

Mr. DeCamp asked unanimous consent to be excused at this time. No objections. So ordered.

Mr. Stoney offered the following amendment:
Strike Sec. 21.

Mr. Simon moved to bracket LB 220 until March 20, 1977. The motion lost with 4 ayes, 30 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 24 ayes, 7 nays, and 18 not voting.

Mr. Stoney requested a roll call vote on his amendment to strike Sec. 21.

Voting in the affirmative, 23:

Bereuter	Boughn	Carsten	Clark	Cope
Cullan	Duis	Dworak	Fowler	Goodrich
Kelly	Lamb	Maresh	Marvel	Mills
Murphy	Newell	Nichol	Rasmussen	Savage
Simon	Stoney	Warner		

Voting in the negative, 19:

Brennan	Burrows	Chambers	Fitzgerald	George
Hasebroock	Hefner	Kahle	Keyes	Kremer
Labedz	Luedtke	Marsh	Merz	Moylan
Reutzel	Rumery	Schmit	Swigart	

Present and not voting, 1:

F. Lewis

Excused and not voting, 6:

Barnett	DeCamp	Koch	R. Lewis	Maxey
Venditte				

The Stoney amendment lost with 23 ayes, 19 nays, 1 present and not voting, and 6 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Murphy offered the following amendment:
Strike Sections 23, 24, 25, 26, and 27.

Mr. Murphy moved for a Call of the House. The motion prevailed with 20 ayes, 14 nays, and 15 not voting.

Mr. Murphy requested a roll call vote.

Voting in the affirmative, 19:

Bereuter	Boughn	Carsten	Chambers	Clark
Cope	Cullan	Duis	Dworak	Hasebroock
Kremer	Lamb	Maresh	Marvel	Maxey
Mills	Murphy	Nichol	Rasmussen	

Voting in the negative, 25:

Brennan	Burrows	Fitzgerald	Fowler	George
Goodrich	Hefner	Kahle	Kelly	Keyes
Labedz	F. Lewis	Luedtke	Marsh	Merz
Moylan	Newell	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Warner

Excused and not voting, 5:

Barnett	DeCamp	Koch	R. Lewis	Venditte

The Murphy amendment lost with 19 ayes, 25 nays, and 5 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 31 ayes, 2 nays, and 16 not voting.

Mr. Schmit moved to advance LB 220 to E & R for Review.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays and 14 not voting.

Advanced to E & R for Review with 26 ayes, 14 nays, 4 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 179A. By Chambers, 11th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977.

NOTICE OF COMMITTEE HEARINGS
Education

LB 487	Monday, February 21, 1977	2:00 p.m.
LB 440	Tuesday, March 1, 1977	2:00 p.m.
LB 486	Tuesday, March 1, 1977	2:00 p.m.

(Signed) Frank Lewis, Chairman

Government, Military and Veterans Affairs

LB 485	Friday, March 4, 1977	1:30 p.m.
LB 498	Friday, March 4, 1977	1:30 p.m.

(Signed) Dennis L. Rasmussen, Chairman

SPEAKER LUEDTKE PRESIDING

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 79. Placed on General File.
LEGISLATIVE BILL 389. Placed on General File.

LEGISLATIVE BILL 443. Placed on General File as amended.
Standing Committee amendments to LB 443:

1. Delete original sections 1 through 3 on pages 2, 3, and 4.

2. On page 4 renumber original section 4 as section 1.

3. On page 6, delete original section 5; renumber original section 6 as section 2; in line 24, after "cost", insert "of the preceding year"; in line 27, after "the" insert "preceding year's".

4. On page 7, line 3 after "total" strike "current", and after "expenditure" insert "of the preceding year"; line 4 after "its" insert "preceding year's"; in line 15, after "children" strike "under" and insert "from the age of five to".

5. On page 8, line 15 after the first "agency" insert "or the cost as agreed upon pursuant to the contract"; strike beginning with "43-611.01 in line 24, through "43-611," in line 26; line 27 after "1976," insert "and also section 43-609, Reissue Revised Statutes of Nebraska,

19 1943,"; and renumber original sections 7 and 8 as sections
20 3 and 4, respectively.

(Signed) F. Lewis, Chairman

Government, Military & Veterans Affairs

LEGISLATIVE BILL 95. Placed on General File.

LEGISLATIVE BILL 257. Placed on General File as amended.
Standing Committee amendments to LB 257:

1. On page 6, line 16, after "created" insert "or continued or reestablished".
2. On page 9, line 22, after "public" add "in".
3. On page 10, strike lines 6, 7, and 8.
4. On page 10, line 14, strike "board" and insert "standing committee".
5. On page 11, line 6, strike "citizen" insert "person".

LEGISLATIVE BILL 53. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 13, 57, 73, 193, and 211.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 66. Title read. Considered.

Standing Committee amendment found in the Journal on page 375 for the Eighteenth Day was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

LEGISLATIVE BILL 103. Mr. Moylan asked unanimous consent to bracket LB 103 until February 17, 1977. No objections. So ordered.

LEGISLATIVE BILL 22. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT – Print in Journal

Mr. Mills asked unanimous consent to print the following amendment to LB 13 in the Journal. No objections. So ordered.

1. Insert five new sections as follows:

"Sec. 3. The clerk of any city or village shall issue a permit to physically handicapped persons who have reached school age and persons who drive a motor vehicle for a visually handicapped person, which will entitle the holder thereof to park in those spaces provided by section 1 of this act. For the purpose of this section, a physically handicapped person shall mean those physically handicapped persons using crutches, canes, walkers, wheelchairs, or having definite walking problems, including but not limited to amputees, and those persons who have respiratory problems which incapacitate their walking. Visually handicapped persons shall mean those persons using the white cane or seeing eye dog.

Sec. 4. The permit shall be a suitable card containing the letter H and an identifying number on the front of the card. The name, address, phone number, date of birth, and age of the party to whom issued shall appear on the reverse side.

Sec. 5. All permits authorized under this section shall be issued for a period of one year. Permits shall be renewable yearly. A permit may be reissued upon a change of address by the holder. A permit fee of one dollar shall be charged for each permit, except the fee for reissuance upon a change of address shall be fifty cents.

Sec. 6. Permits issued hereunder shall not be transferable and shall be used only by the party to whom issued. Use by any other party shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed upon the payment of the one dollar fee.

Sec. 7. The Department of Motor Vehicles shall issue rules and regulations to implement the provisions of this act relating to the issuance of permits for handicapped persons.".

VISITORS

The President introduced 80 2nd grade students, teachers and parents from Huntington School, Lincoln; 17 8th grade students, teachers and parent from Mickle Jr. High School, Lincoln; Mrs. Gary Hergert and Mr. and Mrs. Brynoff of North Platte.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Monday, February 14, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-THIRD DAY–FEBRUARY 14, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 14, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Luedtke 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. Amen.

ROLL CALL

The roll was called and all members were present except Mr. F. Lewis who was excused until he arrives and Mr. Chambers who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Second Day was approved.

REPORT OF EMPLOYEES

February 11, 1977

During the month of January, 1977, there were 150 full and part-time Session employees. They were paid a total of $65,162.84, none of which was overtime pay. 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.

Vincent D. Brown
Clerk of the Legislature

MOTION–Rule Change

Mr. DeCamp offered the following rule change:
Amend Rule 6, Sec. 2(e) to read:
(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event such motions ~~shall~~ may alternatively be passed by unanimous consent of the body. When a motion to bracket has been made only the mover of said motion and the principal introducer of said bill may speak. Neither shall speak for more than three minutes on said motion to bracket, and then the vote shall be taken.

Referred to the Rules Committee

STANDING COMMITTEE REPORTS
Banking, Commerce, & Insurance

LEGISLATIVE BILL 224. Placed on General File.
LEGISLATIVE BILL 264. Placed on General File.
LEGISLATIVE BILL 251. Indefinitely postponed.
LEGISLATIVE BILL 279. Indefinitley postponed.
LEGISLATIVE BILL 289. Indefinitely postponed.

(Signed) John DeCamp, Chairman

MOTION–Withdraw LB 27

Mr. Keyes moved to withdraw LB 27 and cancel the hearing set for February 22, 1977.

Motion pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 14, 1977, at 8:50 a.m., were the following bills: 23, 49, and 72.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 117 and 146.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 117 and 146.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 20. Indefinitely postponed.

(Signed) Donald Dworak, Chairman

MOTION—Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. No. 772)

The motion prevailed with 33 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 1 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 500. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Murphy, 17th District; Labedz, 5th District; Swigart, 8th District.

A BILL FOR AN ACT to amend section 8-320, Uniform Commercial Code, relating to transfer or pledge within a central depository system; to require a certain list from a clearing corporation; to specify requirements

for the transfer and holding of investment securities in central depositories; to authorize the deposit of certain securities in federal reserve banks under certain conditions; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 123. E & R amendment found in the Journal on page 440 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 237. E & R amendment found in the Journal on page 441 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 191. E & R amendment found in the Journal on page 441 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 10. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 167. E & R amendment found in the Journal on page 441 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. E & R amendments found in the Journal on page 441 for the Twenty-Second Day were adopted.

Mr. Stoney offered the following amendments:

1. Insert a new section 1 as follows:

"Section 1. That section 71-4802, Revised Statutes Supplement, 1976, be amended to read as follows:

71-4802. (1) Any individual of sound mind and ~~twenty~~ nineteen years of age or more may give all or any part of his body for any purposes specified in section 71-4803, the gift to take effect upon death.

(2) Any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indications by the decedent, or actual notice of opposition by a member of the same or a prior class, may give all or any part of the decedent's body for any purposes specified in section 71-4803:

(a) The spouse,
(b) An adult son or daughter,
(c) Either parent,
(d) An adult brother or sister,
(e) A guardian of the person of the decedent at the time of his death, and
(f) Any other person authorized or under obligation to dispose of the body.

The persons authorized by this subsection may make the gift after death or immediately before death.

(3) If the donee has actual notice of contrary indications by the decedent, or that a gift by a member of a class is opposed by a member of the same or a prior class, the donee shall not accept the gift.

(4) A gift of all or part of a body authorizes any examination necessary to assure medical acceptability of the gift for the purposes intended.

(5) The rights of the donee created by the gift are paramount to the rights of others except as provided by subdivision (4) of section 71-4807.".

2. On page 4, line 23, strike "section" and insert "sections 71-4802 and"; and in line 24, strike "is" and insert "are".

3. Renumber original sections 1 to 5 as sections 2 to 6 respectively.

4. In the title, line 2, strike "section" and insert "sections 71-4802 and"; in line 4 after the semicolon, insert "to change the age of persons who may execute anatomical gifts;"; and in line 9, strike "section" and insert "sections".

The amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 119. E & R amendment found in the Journal on page 441 for the Twenty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30. E & R amendment found in the Journal on page 441 for the Twenty-Second Day was adopted.

Mr. Maresh renewed his pending amendment found in the Journal on page 447 for the Twenty-Second Day.

Mr. Newell moved to bracket LB 30 until Thursday, February 17, 1977. The motion prevailed with 26 ayes, 17 nays, 4 present and not voting, 1 absent and not voting, and 1 excused and not voting.

MOTION–Rturn LB231 to Select File

Mr. Marvel moved to return LB 231 to Select File for the attached specific amendment.

Sec. 2 The Clerk of the Legislature shall be authorized to make such charges, subject to the approval of the Executive Board of the Legislative Council, to recover costs and expenses of (1) copying files and records in the clerk's possession, (2) preparing certificates, (3) handling and mailing individual bills and bill subscriptions, and (4) such publications as may be authorized by the Legislature or Executive Board of the Legislative Council.
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 motion prevailed with 38 ayes, 0 nays, 9 present and not voting, 1 absent and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 231. The Marvel specific amendment found in this day's Journal was adopted with 38 ayes, 0 nays, 9 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 13 to Select File

Mr. Mills moved to return LB 13 to Select File for the specific amendment found in the Journal on page 456 for the Twenty-Second Day.

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, 1 absent, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 13. The Mills specific amendment found in the Journal on page 456 for the Twenty-Second Day was adopted with 33 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 13 to Select File

Mr. Koch moved to return LB 13 to Select File for the following specific amendment:

Line 2 strike "shall" insert "may"

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, 1 absent and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 13. The Koch specific amendment found in this day's Journal was adopted with 30 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 19
February 10, 1977

Dear Senator DeCamp:

You have asked our opinion as to the constitutional validity of LB 131. We have examined the bill, and conclude that it is of doubtful constitutionality in several respects.

Section 1 of the bill provides that taxing districts shall adjust their property tax mill levies so that the anticipated yield from any tax levy shall not exceed one hundred six per cent of the property tax revenue of the taxing district for the previous fiscal year for operating and maintenance purposes.

The Legislature has the right to limit the amount of money a taxing district may raise by taxation, by a mill levy limitation, or by a dollar limitation. However, we see a classification problem with respect to the first section of the bill. Were the Legislature to put a certain mill levy limitation on each taxing district, or even a dollar limitation on budgets, based upon some rational basis such as population, assessed valuation of property in the district, or something of that sort, it would probably be upheld.

However, this section of the bill would create the situation where two identical taxing districts would have different budget limitations, based upon what appear to be irrelevant consideration. The amount of the budget for a taxing district on the effective date of the act might have no relation whatever to its needs in the future. As a matter of fact, an abnormally low budget in one year might dictate an increased budget for

ensuing years, to make up for past neglects. Yet this section would require, in perpetuity, that the various taxing districts have their budgets limited by the budgets in effect on the effective date of this bill, in spite of any changing circumstances, needs, or hardships. On the other hand, taxing districts which had high budgets on the effective date of the act could continue to do so.

In City of Scottsbluff v. Tiemann, 185 Neb. 256, 175 N.W.2d 83 (1970), the court struck down a statute as constituting special legislation because it created a permanently closed class of cities, and because it was totally arbitrary and unreasonable in its method of classification. The court cited in support of its holding the case of State v. Scott, 70 Neb. 685, 100 N.W. 812 (1904), in which it held that a classification of counties according to the census of 1900 was local and special in its application, since it could apply only to the counties which were in the class at the time of the passage of the act. See also State ex rel. Conkling v. Kelso, 92 Neb. 628, 139 N.W. 226 (1912). The court has held that such classification violates Article III, Section 19, of the Nebraska Constitution.

We believe that the court might find the same deficiencies in section 1 of LB 131. According to that section, each taxing district would be permanently limited by the budget that it happened to have on the effective date of the act. Besides the question of the permanent nature of the classification, we question the reasonableness of it. The purpose of budgets for taxing districts is to provide funds needed in the ensuing year for the purposes of the district. There is no logical relationship between the budget adopted, perhaps, many years ago, and the needs of that particular district for the next year. Yet that old budget would constitute the basis of an absolute limitation indefinitely into the future. We believe this constitutes suspect classification.

Section 2 of the bill provides:

> "Commencing fiscal year 1977-78 each county and each taxing district within a county shall impose property tax levies based upon the assessed valuation of property for the year 1975, until such time as each county in the state has new assessed values incorporated onto the tax rolls as a result of a reassessment program concluded subsequent to 1975."

The exact meaning of this section is not entirely clear to us, but we construe it to mean that the assessed valuations are not to be increased until all the counties in the state have reassessed their properties subsequent to 1975, when all the increased values all over the state would go into effect at the same time.

Such a provision appears to clearly violate several constitutional provisions. The assessed valuations referred to are, of course, the valuations of real estate. Obviously the freezing of assessed valuations could not apply to motor vehicles or to other personal property. Therefore, real estate might be assessed below its actual value, and be required to remain there, whereas personal property would be assessed at

actual value. Article VIII, Section 1, of the Constitution requires taxes to be levied by valuation uniformly and proportionately upon all tangible property. The case of Homan v. Board of Equalization, 141 Neb. 400, 3 N.W. 2d 650 (1942), held that providing a method for fixing the valuation of real estate different from that provided for other tangible property violated Article VIII, Section 1, of the Constitution. It could also be argued that it violated Article III, Section 19, by creating unreasonable classification and granting special or exclusive privileges and immunities.

Article IV, Section 28, of the Constitution gives the State Board of Equalization and Assessment the duty of reviewing and equalizing assessments of property for taxation. As we understand section 2 of the bill, the board would be precluded from performing its duty, in the event it discovered that there was a lack of uniformity of assessment among the counties. The Legislature cannot prevent the board from exercising duties imposed upon it by the Constitution.

Section 3 of the bill provides that a taxing district which receives from any tax levy more than one hundred six per cent of its previous years budget shall place such excess in a fund to be "used to reduce taxes owed for the following fiscal year." This language does not make clear what is intended. It may be that it means that this fund shall be taken into account in setting the ensuing year's levy. However, in speaking of reducing taxes owed for the following fiscal year, the impression is given that the fund shall be used as some sort of credit given to individual taxpayers against the tax they owe. If so, the basis of allocating such credit has not been made clear.

We believe it would be very difficult to sustain this bill against constitutional attack.

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

UNANIMOUS CONSENT—Member Excused

Mr. Carsten asked unanimous consent to be excused Tuesday morning, February 15, 1977. No objections. So ordered.

MOTION—Withdraw LB 151

Mr. Clark renewed his pending motion found in the Journal on page 450 for the Twenty-Second Day to withdraw LB 151 and cancel the hearing set for March 4, 1977.

The motion prevailed with 30 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 1 excused and not voting.

MOTION–Rule Changes

Mr. DeCamp moved the adoption of the Rule Changes found in the Journal on page 432, 433 and 434.

Rule change to Rule 1, Sec. 12 p. 432 was considered.

Mr. Mills moved to amend Rule 1, Sec. 12 with his amendment found in the Journal on page 434.

MR. SAVAGE PRESIDING

Mr. DeCamp offered the following amendment to the Mills amendment:

Rule 1 Sec 12. last sentence strike "elected members" and insert "members voting".

Mr. Maresh 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. DeCamp asked unanimous consent to withdraw his amendment to the Mills amendment.

Mr. Murphy objected.

The Chair ruled to proceed to vote on the DeCamp amendment at this time.

The DeCamp amendment to the Mills amendment was adopted with 25 ayes, 9 nays, 14 present and not voting, and 1 absent and not voting.

Mr. Koch moved to bracket the Rule Change until February 21, 1977.

Mr. Newell moved the previous question. The question is, "Shall the debate now close:" The motion prevailed with 26 ayes, 2 nays and 21 not voting.

The motion to bracket lost with 6 ayes, 31 nays, and 12 present and not voting.

Mr. F. Lewis asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

Mr. Kelly offered the following amendment to the Mills amendment, as amended:

Rule 1, Sec. 12, amend last sentence to read: majority of those present.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Kelly amendment was adopted with 28 ayes, 7 nays, and 14 present and not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Mills moved for a Call of the House. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Mr. Mills requested a roll call vote on his amendment:

Voting in the affirmative, 31:

Bereuter	Brennan	Burrows	Chambers	Cope
Cullan	Duis	Fitzgerald	Fowler	George
Goodrich	Hefner	Kahle	Koch	Kremer
Labedz	Lamb	F. Lewis	Luedtke	Maresh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Simon				

Voting in the negative, 15:

Carsten	Clark	Dworak	Hasebroock	Kelly
Keyes	R. Lewis	Marsh	Marvel	Rasmussen
Schmit	Stoney	Swigart	Venditte	Warner

Present and not voting, 3:

Barnett	Boughn	DeCamp

The Mills amendment, as amended, was adopted with 31 ayes, 15 nays, and 3 present and not voting.

Mr. Mills moved the Call be raised. The motion prevailed.

The DeCamp amendment to Rule 1, Sec. 12, as amended, was adopted with 30 ayes, 14 nays, 4 present and not voting, and 1 excused and not voting.

The DeCamp rule change to Rule 7, Sec. 2(d) found in the Journal on page 432 for the Twenty-First Day was considered.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 4 nays, and 29 not voting.

SPEAKER LUEDTKE PRESIDING

The DeCamp amendment to Rule 7, Sec. 2(d) was adopted with 31 ayes, 1 nay, 16 present and not voting, and 1 excused and not voting.

The DeCamp amendment to Rule 7, Sec. 2(c), found in the Journal on page 432 for the Twenty-First Day was adopted with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

The DeCamp amendment to Rule 5, Sec. 6 (g) (h) (i) (j) (k) (l) and (m), found in the Journal on pages 433 and 434, were considered.

Mr. Murphy requested a division of the question, to vote on (g) and (h) separately.

Rule 5, Sec. 6(g) amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Rule 5, Sec. 6(h) amendment lost with 3 ayes, 28 nays, 17 present and not voting, and 1 excused and not voting.

The remaining DeCamp amendments to Rule 5, Sec. 6(i) through (m), were adopted with 30 ayes, 2 nays, 16 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT – Approve Appointments

Mr. Savage asked unanimous consent to approve the following appointments, found in the Journal on pages 447, 448 and 449 for the Twenty-Second Day, all in one record vote: Arthur C. Johnson, Richard Wood, Jack Lederman, Mrs. Jack Stark, George Arnett, R. Jerry Harqitt, Marjorie Sederberg, C. R. Lambert, Mrs. Helen Lassek. No objections. So ordered.

Voting in the affirmative, 30:

Barnett	Bereuter	Burrows	Carsten	Cope
Cullan	Duis	Dworak	George	Hasebroock
Hefner	Kahle	Koch	Kremer	Lamb
Luedtke	Marvel	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Rumery	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 1:

Merz

Present and not voting, 17:

Boughn	Brennan	Chambers	Clark	DeCamp
Fitzgerald	Fowler	Goodrich	Kelly	Keyes
Labedz	R. Lewis	Maresh	Marsh	Maxey
Reutzel	Schmit			

Excused and not voting, 1:

F. Lewis

The Chair declared the appointments confirmed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 132, 133, 134, 254, and 256.

(Signed) Samuel K. Cullan, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 109A. By Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 109, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT – Member Excused

Mr. Dworak asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

MOTION – Return LB 123 to Select File

Mr. Kelly moved to return LB 123 to Select File for the following specific amendment:

1. On page 3, line 8 after the reinstated period insert "Any owner who has five or more vehicles who elects to register all such vehicles on a calendar year basis may select the particular month such twelve month period shall commence and vehicles shall be registered in such month each year thereafter."

Motion pending.

NOTICE OF COMMITTEE HEARING
Committee on Committees

February 14, 1977

The Committee on Committees will meet at 12:00 noon, Friday, February 18, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the following appointment by Governor J. J. Exon in addition to appointments and reappointments previously set for hearing.

HENRY J. PURDIE
Plainview, Nebraska, appointment to the Manufactured Housing Advisory Board.

(Signed) John S. Savage, Chairman
Committee on Committees

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 100. Placed on General File as amended.
Standing Committee amendments to LB 100:

1. On page 2, lines 5 and 6 strike "the original" and insert "any existing"; in line 6 strike "notwithstanding" and show as stricken and insert "pursuant to"; in line 15 after "negotiation" insert ", but in case of disagreement, the matter shall be determined by the Power Review Board under the standards set forth in section 70-1007";

and in line 27 strike "when" and insert "~~when~~ In case of disagreement, when".

2. On page 3, line 5 strike "in case of disagreement," and show as stricken; in line 10 strike "original"; in line 21 strike "agreement" and insert "agreements affected"; and strike beginning with "upon" in line 22 through "extension" in line 23 and insert "under the standards set forth in section 70-1007, to permit the same".

LEGISLATIVE BILL 31. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 220A. Title read. Considered.

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

VISITORS

The President introduced Mr. and Mrs. Don Swanson from Arnold, Nebraska; 25 seniors and instructor from Albion, Nebraska; Sheriff Gerhardt Peterson and County Board members Lester Nelson and John Knaus from Kearney County.

ADJOURNMENT

At 11:53 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Tuesday, February 15, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FOURTH DAY—FEBRUARY 15, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 15, 1977

Pursuant to adjournment, the Legislature met at 9:00 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 Mr. Carsten who was excused and Messrs. George and Reutzel who were excused until arrival and Mr. Fowler who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Third Day was approved.

MESSAGE FROM THE GOVERNOR

February 14, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 47 and 96.
These bills were signed by me on February 12, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 399. Placed on General File.
LEGISLATIVE BILL 143. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 176. Placed on General File.
LEGISLATIVE BILL 401. Placed on General File.

(Signed) Donald Dworak, Chairman

Agriculture and Environment

LEGISLATIVE BILL 268. Placed on General File.
LEGISLATIVE BILL 308. Placed on General File.

(Signed) Loran Schmit, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 220. Placed on Select File as amended.
E & R amendments to LB 220:

1. On page 3, line 4, strike "all packages or containers" and insert "any package or container"; in line 16 strike "containers" and insert "a container"; and in line 20 strike "receptacles" and insert "receptacle".

2. On page 4, line 9, strike "his"; in line 24 insert "are" after "and"; and in line 25 strike "persons" and insert "person".

3. On page 5, line 10, strike "the" and insert "this".

4. On page 6, lines 16 and 17, strike "the director shall".

5. On page 7, line 8, strike "of the director"; and in line 16 strike "director" and insert "department".

6. On page 9, line 23, strike "and"; and in line 24 insert a semicolon after "products".

7. Insert the Fowler amendment, without paragraphing, before the period on page 9, line 24; insert a semicolon at the end of subdivisions (13) and (14); and insert "; and" at the end of subdivision (15).

8. In the Schmit amendment to page 10, line 17, strike the period.

9. On page 10, line 27, strike "Such fund" and insert "Funds".

10. In the title, line 5, strike "and" and insert "; and to repeal sections 28-590 to 28-592, Reissue Revised Statutes of Nebraska, 1943" after "date".

LEGISLATIVE BILL 220A. Placed on Select File.

LEGISLATIVE BILL 66. Placed on Select File as amended.
E & R amendment to LB 66:

1. On page 2, line 17, strike "or depriving a person from" and insert "any person the right of".

LEGISLATIVE BILL 22. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

MOTION–Withdraw LB 27

Mr. Keyes renewed his pending motion found in the Journal on page 459 for the Twenty-Third Day to withdraw LB 27 and cancel the hearing date of February 22, 1977.

The motion prevailed with 26 ayes, 0 nays, 19 present and not voting, 1 absent and not voting, and 3 excused and not voting.

MOTION—Return LB 123 to Select File

Mr. Kelly moved to return LB 123 to Select File for the specific amendment found in the Journal on page 471 for the Twenty-Third Day.

The motion prevailed with 31 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 123. The Kelly specific amendment found in the Journal on page 471 for the Twenty-Third Day was adopted with 26 ayes, 0 nays, 19 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 123 to Select File

Mr. Warner moved to return LB 123 to Select File for the following specific amendment:

Amend Kelly amendment on page 471 of Journal strike "5" insert "three"

The motion prevailed with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 123. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 6 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 123 to Select File

Mr. Mills moved to return LB 123 to Select File for the following specific amendment:

Strike the enacting clause.

Motion pending.

ATTORNEY GENERAL'S OPINION

Opinion No. 21
February 14, 1977

Re: L.B. 218

Dear Senator DeCamp:

In your correspondence of January 31, 1977, you indicated a concern over the last sentence of a synopsis of L.B. 218. The sentence underlined in your correspondence read as follows:

> "The law, especially because no notice of the lien is required to the farmer, seems to be of questionable constitutionality."

Assuming that your question to us is simply whether the limited notice provisions of L.B. 218 render the proposed legislation unconstitutional, it is our opinion that L.B. 218 does not contravene any provision of the Nebraska Constitution.

L.B. 218 simply allows the creditor who has provided fertilizers, farm equipment, or labor to a farmer-debtor to obtain a lien upon the machinery or equipment supplied, or upon the crops produced or the proceeds from the sale of the crops produced on the debtor's land. The lien must be filed with the County Clerk of the county where the land is located, and must contain a listing of the names and addresses of the parties to the sales transaction giving rise to the lien, the last date upon which the products or labor was furnished to the debtor, and a legal description of the land upon which the crops are located. The new law also provides that such a lien may be foreclosed in the manner and form provided for the foreclosure of secured transactions as set out in Article 9 of the Nebraska Uniform Commercial Code.

A lien may be created either by legislation or by an agreement with the owner of the property thought to be subjected to the lien. See, General Motors Acceptance Corporation v. Southerland, 122 Neb. 720, 241 N.W. 281 (1932). A lien upon chattel property or personalty is not evidence of ownership of the property by the lien holder; it is simply a claim by the lien holder of an interest in the property. Mapledge Corporation v. Coker, 167 Neb. 420, 93 N.W.2d 369 (1958). To foreclose upon a lien, a lien holder may be required to demonstrate in a proceeding at law that the amount claimed by the lien is the amount actually due for the labor or materials provided, and further that the property against which the lien is claimed is actually owned by the debtor named in the lien. See, for example, section 52-103, R.S.Supp., 1976; section 52-104, R.R.S. 1943.

Inasmuch as L.B. 218 provides that the lien must be foreclosed pursuant to Article 9 of the Nebraska Uniform Commercial Code, which

article provides for adequate notice provisions to the debtor-farmer, we find no problems of constitutionality in the proposed legislation. We would note, parenthetically, that the mechanic's lien provisions of section 52-103, R.S.Supp., 1976, provide that notice be given to the owner of the property at the time the lien is first filed. Beyond this observation, we would make no further comment on the wisdom of the legislation in question.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Robert F. Bartle
Assistant Attorney General

RFB:smb
cc: Mr. Vincent D. Brown
Clerk of the Legislature

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 180. Placed on General File.
LEGISLATIVE BILL 314. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 15, 1977, at 9:30 a.m. were the following bills: 117 and 146.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 10, 119, 167, 191, and 237.

(Signed) Samuel K. Cullan, Chairman

REPORT OF NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION

February 15, 1977

MR. PRESIDENT:

Your Selection Committee of the Nebraska Accountability and Disclosure Commission have selected the following individual names to be submitted to the Governor:

LIST 1: Mrs. Robert (Susan) Price, Burwell, Nebraska
Dorris Marxhausen, Seward, Nebraska
Eugene Krabel, Hastings, Nebraska
James M Davis, Omaha, Nebraska

LIST 2: Leslie Stull, Alliance, Nebraska
Robert F Sittig, Lincoln, Nebraska
Mimi Waldbaum, Omaha, Nebraska
Maurice F Shadle, Omaha, Nebraska

(Signed) Richard D. Marvel, Chairman; Douglas Bereuter; Ralph D. Kelly; Roland A. Luedtke; Tom Fitzgerald

Mr. Marvel moved the adoption of the report. The motion prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

MOTION–Place LB 273 on General File

Mr. F. Lewis renewed his pending motion found in the Journal on page 401 for the Nineteenth Day to place LB 273 on General File notwithstanding the committee action.

The motion prevailed with 32 ayes, 9 nays, 6 present and not voting, and 2 excused and not voting.

MOTION–Place LB 69 on General File

Mr. Koch renewed his pending motion found in the Journal on page 410 for the Twentieth Day to place LB 69 on General File notwithstanding the committee action.

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

The Call showed 48 members present.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Bereuter	Boughn	Burrows	Chambers
DeCamp	Duis	Fowler	Goodrich	Hefner
Kahle	Keyes	Koch	F. Lewis	Luedtke
Marsh	Maxey	Merz	Mills	Newell
Rumery	Savage	Schmit	Simon	Swigart
Warner				

Voting in the negative, 21:

Brennan	Clark	Cope	Cullan	Dworak
Fitzgerald	George	Hasebroock	Kelly	Labedz
Lamb	R. Lewis	Maresh	Marvel	Moylan
Murphy	Nichol	Rasmussen	Reutzel	Stoney
Venditte				

Present and not voting, 1:

Kremer

Absent and not voting, 1:

Carsten

The motion lost with 26 ayes, 21 nays, 1 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

MOTION—Place LB 20 on General File

Mr. Barnett moved to place LB 20 on General File notwithstanding the committee action.

Motion pending.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 89	Monday, March 7, 1977	1:30 p.m.
LB 171	Monday, March 7, 1977	1:30 p.m.
LB 309	Monday, March 7, 1977	1:30 p.m.

LB 381	Friday, February 25, 1977	1:30 p.m.
LB 437	Thursday, March 3, 1977	1:30 p.m.
LB 479	Tuesday, February 22, 1977	1:30 p.m.
LB 491	Thursday, February 24, 1977	1:30 p.m.
LB 492	Thursday, February 24, 1977	1:30 p.m.

(Signed) Jerome Warner, Chairman

Education

LB 488	Tuesday, March 1, 1977	2:00 p.m.

(Signed) F. Lewis, Chairman

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 475. Placed on General File as amended.
Standing Committee amendment to LB 475:
1. On page 2, line 5 strike "sixty-eight" and insert "eighty-eight".

LEGISLATIVE BILL 477. Placed on General File.

(Signed) Jerome Warner, Chairman

Agriculture and Environment

LEGISLATIVE BILL 83. Placed on General File as amended.
Standing Committee amendment to LB 83:
1. Insert a new section to read:
"Section 1. That section 54-101, Revised Statutes Supplement, 1976, be amended to read as follows:
54-101. As used in sections 28-509, 28-510, 54-101.01 to 54-156, 54-415, and 54-1183 to 54-1186, unless the context otherwise requires:
(1) A brand shall mean an identification mark that is burned into the hide of a live animal by a hot iron on either side in any one of three locations, the shoulder, ribs, or hip, and is recorded in the office of the Nebraska Brand Committee as provided by law;
(2) Certificate of inspection shall mean the official document as issued and signed by a brand inspector authorizing movement of livestock from a point

of origin within the brand inspection area to a destination either in or out of the brand inspection area or out of state, or authorizing slaughter of livestock as specified on such certificate. Such certificate of inspection shall ~~when available~~ designate and require the name of consignor or seller of livestock, the purchaser of such livestock, the destination of livestock, the method of transportation, the vehicle license number or railroad car number when available, the miles driven by brand inspector to perform inspection, the amount of brand inspection fees collected, the number and sex of livestock to be moved or slaughtered, the brands, if any, on the animal or animals and the brand owner. A certificate of inspection shall be construed and intended to be documentary evidence of ownership on all cattle covered by such document;

(3) Brand clearance shall mean the documentary evidence of ownership that is issued and signed by a brand inspector and given to persons who have legally purchased cattle at a livestock auction or sale where a brand inspection service is provided. Such brand clearance shall give the name and address of sale or auction where issued, the name of purchaser, the number and sex of cattle, the brands, if any, and the location on the animal or animals;

(4) Brand committee shall mean the governing body and administrative agency as established under sections 54-135 and 54-136;

(5) Brand inspection agency shall mean an agency of a state, or a duly organized livestock association of a state, authorized by state and federal law to charge and collect at designated stockyards, packing plants, sales barns, or farm and ranch loading points, a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from such state for the purpose of determining the ownership of such livestock;

(6) Brand inspector shall mean a person employed by the Nebraska Brand Committee, or some other brand inspection agency, within or without the State of Nebraska, for the purpose of identifying brands or marks, or other identifying characteristics of livestock, to determine the existence of such brands or marks or identifying characteristics and from such determinations attempt to establish correct and true ownership of such livestock, and generally carry out the provisions and

enforcement of all laws pertaining to brands, brand inspection and associated livestock laws;

(7) Stockyard shall mean any place, establishment, or facility commonly known as stockyards conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce;

(8) Stockyard owner shall mean any person engaged in the business of owning or conducting or operating a stockyard;

(9) Stockyard services shall mean services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, or handling, in commerce, of livestock;

(10) Sales ring shall mean any place, establishment, or facility conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, barns, stables, sheds, and their appurtenances, including saddle and work stock, and vehicles used in connection therewith or in the operation thereof, where livestock not owned by the owner or operator is received, held or kept for any purpose other than (a) immediate shipment by rail, or immediate slaughter, (b) for grazing, feeding or breeding, or (c) for the sale and exchange of breeding stock by a bona fide livestock association;

(11) Sales ring operator shall mean any person in control of the management or operation of a sales ring;

(12) Open market shall mean a sales barn, market agency, stockyard, or packing plant located out of the Nebraska brand inspection area as defined in section 54-134, or out of the confines and boundaries of the State of Nebraska, declared as such by the Nebraska Brand Committee under section 54-142, where brand inspection is maintained either by the Nebraska Brand Committee employees or by some other state under a reciprocal agreement as allowed under the Packers and Stockyards Act, 1921, as amended;

(13) Market agency shall mean any person engaged in the business of (a) buying or selling in commerce livestock on a commission basis, or (b) furnishing stockyard services;

(14) Cattle shall mean bovine cattle only, and

shall not relate to or include any other kind of domestic animal;

(15) Livestock shall mean any domestic neat cattle, horses, mules, donkeys, sheep, or swine;

(16) Hide shall mean the skin or outer covering of an animal whether raw or dressed, alive or dead;

(17) Carcasses shall mean the body or bodies, or part thereof but not less than one-fourth of a body of any dead or slaughtered domestic neat cattle, horses, mules, donkeys, sheep, or swine;

(18) Slaughterhouse shall mean an establishment that slaughters, kills, or butchers livestock, either for itself or for others, for compensation or otherwise disposes of such livestock in a processed or semiprocessed manner;

(19) Packing plant or packing house shall mean an establishment for slaughtering, processing, and packing livestock into meat, meat products, and by-products or for processing and packing other foodstuffs;

(20) Dealer shall mean any person, not a market agency, engaged in the business of buying or selling in commerce livestock either on his own account or as the employee or agent of the vendor of purchaser;

(21) Estray shall mean any neat cattle, horse, mule, donkey, sheep, or swine, found running at large upon public or private lands, either fenced or unfenced, in the State of Nebraska, whose owner is unknown in the area where found, or is branded with a brand which is not on record in the office of the Nebraska Brand Committee;

(22) Interstate shall mean from or between points in one state and points in another state;

(23) Intrastate shall mean within the state;

(24) Moved or movement shall mean, as applied to livestock, transported, shipped, delivered, or received for transportation, driven on foot or caused to be driven on foot by any person, or shipped or delivered or received for transportation by any person;

(25) Brand inspection area shall mean that portion of the State of Nebraska designated by the Legislature as a brand area as set forth in section 54-134, where brand inspection shall be mandatory and performed on all cattle sold at auction markets, packing plants, slaughterhouses, or farm or ranch sales within such area, and on all other cattle prior to leaving such brand inspection area, unless destined for an open market designated as such by the Nebraska Brand Committee;

(26) Investigators shall mean such employees of the Nebraska Brand Committee as are commissioned deputy state sheriffs and shall have the duty, responsibility and authority to enforce all state statutes pertaining to brands, brand inspection, and associated livestock laws, whether civil or criminal. Such investigators shall also be responsible for the investigation of all problems associated with brands, brand inspection and associated livestock enforcement problems;

(27) Satisfactory evidence of ownership shall consist of the brands, tattoos, or marks on the livestock; point of origin of livestock; the physical description of the livestock; the documentary evidence, such as bills of sale, brand clearance, certificates of brand inspection, breed registration certificates, animal health or testing certificates, brand recording certificates, purchase sheets, scale tickets, disclaimers of interest, affidavits, court orders, security agreements, powers of attorney, canceled checks, bills of landing or tags; and such other facts, statements or circumstances that taken in whole or in part cause a brand inspector to believe that proof of ownership is established;

(28) Bill of sale shall mean a formal instrument for the conveyance or transfer of title to livestock or other goods and chattels;

(29) Estray fund shall mean the fund that the Nebraska Brand Committee receives from the sale of any estray livestock. Such fund shall be disposed of in the manner provided in section 54-415;

(30) Daylight hours shall mean from sunrise to sunset;

(31) Acid brand shall mean any such mark or brand that has been applied by use of a chemical compound and when so used causes a scar-like tissue to form on the hide of a live animal;

(32) Freeze brand shall mean any such mark or brand that is created on a live animal in a depigmentation technique, whereby the pigment producing cells in the skin of an animal are destroyed by the application of intense cold to the skin area;

(33) Chairman shall mean the presiding officer of the Nebraska Brand Committee;

(34) Unbranded shall mean that any such designated livestock does not carry a brand of any kind;

(35) Branded shall mean any such designated livestock carries a brand of any kind defined in this

section; Provided, a legal brand for identification in Nebraska shall be as defined in subdivision (1) of this section;

(36) Registered feedlot shall mean but not be limited to any permanent, fenced, drylot status area where cattle are fed and finished for slaughter purposes, which lot has been inspected and registered and for which a permit has been issued;

(37) Brand Recorder shall mean a person employed by the Nebraska Brand Committee who shall be responsible for the processing of all applications for the recording of new livestock brands, the transfer of ownership of existing livestock brands, maintenance of accurate and permanent records relating to each and every livestock brand of record, and such other duties as may be required by the Nebraska Brand Committee to satisfactorily carry out the provisions of sections 54-101 to 54-156; and

(38) In subdivisions (1) to (37) of this section, when the context or the circumstances so require, words importing a singular number may be expanded to several persons or things, and words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be expanded to the feminine or neuter gender.

All subdivisions of this section shall apply to sections 54-133.01 to 54-133.03 with the exception of the manner in which a year brand or production recording brand may be applied.

It shall be permissible to use a freeze brand, but only for the year brand or the production recording brand.".

2. On page 2, lines 8 and 12, strike the underscored comma, and reinstate the stricken matter; reinstate the stricken matter in line 9; in line 18, strike the underscored period, and reinstate the stricken matter; reinstate the stricken matter in lines 19 to 23; and in line 20, after the reinstated "ownership", insert "or proof of ownership acceptable to the peace officer".

3. Strike sections 2 and 3.

4. Renumber original section 1 as section 2 and original sections 4 to 6 as sections 3 to 5 respectively.

5. On page 6, line 11, strike "section" and insert "sections 54-101 and".

(Signed) Loran Schmit, Chairman

Business and Labor

LEGISLATIVE BILL 199. Placed on General File.

LEGISLATIVE BILL 275. Placed on General File as amended.
Standing Committee amendments to LB 275:

1. On page 2, lines 10 and 23 strike "forty" and insert "fifty".
2. On page 6, line 13 strike "forty" and insert "fifty".
3. On page 7, line 12 strike "forty" and insert "fifty".

(Signed) Richard Maresh, Chairman

Education

LEGISLATIVE BILL 205. Placed on General File.

(Signed) Frank Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 227. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendments found in the Journal on page 381 for the Eighteenth Day were adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 138A. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 88. Title read. Considered.

Standing Committee amendments found in the Journal on page 382 for the Eighteenth Day were adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mrs. Labedz offered the following amendment:

1. On page 2, line 4 before "No" insert "(1)"; in line 8 strike "because of emergencies" and show as stricken; in line 15 after the period insert "(2) No state agency, engaged in the operation of a hospital or the establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, shall be deemed to have violated this act if, a period of eighty hours is established within a period of fourteen consecutive calendar days for purposes of determining overtime compensation."; in line 27 after the period insert "(3) No state agency shall be deemed to have violated this act with respect to employment in fire protection activities or law enforcement activities, including security personnel at correctional institutions if (a) in a work period of twenty-eight consective days, the employee receives four tours of duty which in the aggregate exceed two hundred hours, or (b) in the case of such employees to whom a work period of at least seven but less than twenty-eight days applies, in such work periods the employee receives four tours of duty which in the aggregate exceed the number of hours which bear the same ratio to the number of consectuive days of work period as two hundred hours bears to twenty-eight days, compensation at a rate not less than one and one half times the regular rate at which the employee is paid for all hours in excess of sub-divisions (a) and (b) of this subsection.".

2. Insert a new section to read as follows:

"Sec. 2. The payment or granting compensatory timeoff in lieu of payment as prescribed in this act shall not apply to (1) agency heads, their duputies and assistants, (2) chiefs of divisions, bureaus, or comparable organizational elements, and (3) other employees occupying classes of positions that by custom in business, industry, and other governmental jurisdictions require the individual to work extra and irregular hours and that acceptance of such a position constitutes the employee's acknowledgement that such requirement is a part of an

obligation to the state as an employee thereof. The term deputy as used in this section shall not apply to the deputy state fire marshals or state deputy sheriffs.".

3. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

The amendment was adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

Mr. Boughn offered the following amendment:

Amend LB 88 to provide a new Section 1 to read as follows:

Section 1. As used in this act, unless the context otherwise requires:

(1) Department shall mean and include any state agency, department, commission, board, or office, specifically including the University of Nebraska and the State Colleges;

(2) Employ shall mean and include to suffer or permit to work; and

(3) Hours worked shall mean hours for which compensation is paid.

Mr. Brennan moved to bracket LB 88 until February 22, 1977. The motion lost with 9 ayes, 26 nays, 13 present and not voting, and 1 excused and not voting.

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

Advanced to E & R for Review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 122. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 136. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Standing Committee amendments found in the Journal on page 382 for the Eighteenth Day were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Bereuter offered the following amendment:

1. In the committee amendment 2, found on page 382 of the Journal strike the amendment to page 7, line 14.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Duis asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Messrs. Marvel, F. Lewis, Mills and Mrs. Maxey asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

LEGISLATIVE BILL 144. Title read. Considered.

Mr. Kelly asked unanimous consent to bracket LB 144.

Mr. Simon objected.

Mr. Kelly moved to bracket LB 144. The motion lost with 9 ayes, 15 nays, 19 present and not voting, and 6 excused and not voting.

Mr. Brennan moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Brennan requested a roll call vote on advancing LB 144 to E & R for Review.

Voting in the affirmative, 27:

Bereuter	Boughn	Brennan	Burrows	Cope
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Keyes	Koch	Luedtke	Maresh	Marsh
Merz	Moylan	Newell	Rasmussen	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 1:

Nichol

Present and not voting, 15:

Barnett	Chambers	Clark	Cullan	DeCamp
Dworak	Hefner	Kahle	Kelly	Kremer
Labedz	Lamb	R. Lewis	Murphy	Reutzel

Excused and not voting, 6:

Carsten	Duis	F. Lewis	Marvel	Maxey
Mills				

Advanced to E & R for Review with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendment to LB 302:
1. On page 2, line 6, strike "fifty-eight" and insert "twenty".

(Signed) Richard Maresh, Chairman

VISITORS

The President introduced 14 11th & 12th grade students and sponsor from Murdock, Nebraska; 150 members of the Nebraska Federation of Women's Club, with Mrs. William Hasebroock as chairman of the group.

ADJOURNMENT

At 12:05 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, February 16, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-FIFTH DAY–FEBRUARY 16, 1977

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY—FEBRUARY 16, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 16, 1977

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 and women 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 problems. We have all the problems of a great state: Crime, drugs, problems with our youth, misunderstanding of our minorities, and a host of other problems that these 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 Messrs. Schmit and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fourth Day was approved.

MESSAGES FROM THE GOVERNOR

February 7, 1977

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following reappointments to the Code of Ethics Board requiring legislative confirmation. Terms will expire as provided by statute:

Thomas D. Doyle, State Engineer, Department of Roads
William E. Peters, Tax Commissioner
Roy E. Gardner, Director, Department of Personnel
Donald R. Treadway, Attorney, Fullerton
Charles Broderson, R.R., Herman

I respectfully submit these reappointments for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Doyle
Peters
Gardner
Treadway
Broderson
Committee on Committees

February 7, 1977

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

Dear Mr. President and Senators:

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

Mrs. Joan Nelson, 1920 N Street, Aurora, NE 68818 - succeeds Mrs. John Harris, resigned

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Mrs. Joan Nelson
Committee on Committees
Nebraska Arts Council

February 7, 1977

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

Dear Mr. President and Senators:

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

Donald W. Droud, 201 North 20th Street, Lincoln - to serve a three year term expiring January 1, 1980

I respectfully submit this reappointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Donald W. Droud
Committee on Committees
Motor Vehicle Industry Licensing Board

COMMUNICATION

February 15, 1977

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Exon:

In accordance with 49-14,105, the Nebraska Legislature herewith submits two lists of persons, each list consisting of at least three individuals, for your consideration for appointment to the Nebraska Accountability and Disclosure Commission.

List 1: Mrs. Robert (Susan) Price, Burwell, Nebraska
Dorris Marxhausen, Seward, Nebraska
Eugene Krabel, Hastings, Nebraska
James M. Davis, Omaha, Nebraska

List 2: Leslie Stull, Alliance, Nebraska
Robert F. Sittig, Lincoln, Nebraska
Mimi Waldbaum, Omaha, Nebraska
Maurice F. Shadle, Omaha, Nebraska

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

lj
cc: Speaker Roland Luedtke
Secretary of State Allen Beermann

NOTICE OF COMMITTEE HEARINGS
Constitutional Revision and Recreation

LB 482 Thursday, February 24, 1977 1:30 p.m.

(Signed) J. Koch, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendments to LB 90:
1. On page 2, line 13 before "All" insert "The Director of Motor Vehicles shall negotiate and enter into

a contract to provide the necessary equipment, supplies, and forms for the photographs."; strike commencing with "of" in line 13 through "photographs" in line 14 and insert "incurred by the department under this section"; in line 16 after "." insert "All costs of taking and affixing the photographs shall be paid by the county from the fees provided pursuant to section 60-409.".

2. On page 6, line 21 strike "." and reinstate the semicolon; and reinstate the stricken matter in lines 22 through 26.

LEGISLATIVE BILL 174. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 13. Replaced on Select File as amended.
E & R amendments to LB 13:

1. In lieu of the Koch amendment, in the Mills amendment, page 1, line 2, strike "shall" and insert "may".

2. In the Mills amendment, page 1, line 5, strike the comma; in line 7 insert "for" after "provided"; in line 8 strike "a" and strike "person" and insert "persons"; in line 24 insert "that" after "except"; and in line 26, strike "hereunder" and insert "under this act".

3. In the Mills amendment, page 2, line 5, strike "issue" and insert "adopt".

4. In the title of the Final Reading printed bill, line 5, insert "to provide for identification cards as prescribed; to provide a fee; to provide for rules and regulations;" after the semicolon; and in line 6 strike "a penalty" and insert "penalties".

LEGISLATIVE BILL 231. Replaced on Select File as amended.
E & R amendments to LB 231:

1. Renumber original section 2 as section 3 and new section 3 as section 4.

2. In new section 2, line 8, insert "the" after "or".

3. In the title, line 6, strike "and" and insert "to provide for changes by the Clerk of the Legislature;"; and in line 7 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 115. Replaced on Select File as amended.
E & R amendment to LB 115:
1. On page 2, line 25, strike "2 to 4" and insert "3 to 5".

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 17.

A BILL FOR AN ACT to amend sections 28-1212 and 28-1213, Reissue Revised Statutes of Nebraska, 1943, relating to crimes and punishments; to change penalties relating to no-fund and insufficient-fund checks, drafts, orders, or assignment of funds; to provide for mitigation; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Warner	

Voting in the negative, 2:

Chambers DeCamp

Present and not voting, 1:

Marvel

Excused and not voting, 2:

Schmit Venditte

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

LEGISLATIVE BILL 57.

A BILL FOR AN ACT to amend section 19-3803, Reissue Revised Statutes of Nebraska, 1943, relating to police services; to provide that the cost for police services to any village shall be negotiated; 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	Boughn	Brennan	Carsten	Chambers
Clark	Cope	Cullan	Dworak	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Warner

Voting in the negative, 1:

Bereuter

Present and not voting, 6:

Burrows	DeCamp	Duis	Fitzgerald	R. Lewis
Marvel				

Excused and not voting, 2:

Schmit Venditte

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

LEGISLATIVE BILL 73.

A BILL FOR AN ACT to amend sections 71-614 and 71-615, Reissue Revised Statutes of Nebraska, 1943, relating to vital statistics; to change the requirements for information concerning marriage and dissolution of marriage; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Boughn

Excused and not voting, 2:

Schmit Venditte

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

LEGISLATIVE BILL 193. With Emergency.

A BILL FOR AN ACT to amend section 50-419, Reissue Revised Statutes of Nebraska, 1943, and sections 50-702 and 84-304, Revised Statutes Supplement, 1976, relating to various fiscal duties; to adopt the Appropriations and Expenditures Review Act of 1977 as prescribed; to repeal the original sections, and also section 50-701, Revised Statutes Supplement, 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, 41:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Clark	Cope	Cullan	Duis
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Kremer	Labedz
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Warner				

Voting in the negative, 4:

Carsten	DeCamp	Dworak	Koch

Present and not voting, 2:

Fitzgerald	Lamb

Excused and not voting, 2:

Schmit	Venditte

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

LEGISLATIVE BILL 211.

A BILL FOR AN ACT to amend sections 39-6,125 and 39-6,127, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,178, Revised Statutes Supplement, 1976, relating to rules of the road; to change provisions relating to slow-moving vehicles; to change a clearance light requirement; to change a height limitation; to provide an exception to vehicle height limitations; 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	Boughn	Brennan	Burrows
Chambers	Clark	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Koch	Labedz

F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Warner

Voting in the negative, 4:

Carsten	Cullan	Keyes	Lamb

Present and not voting, 3:

Cope	Kremer	Marvel

Excused and not voting, 2:

Schmit	Venditte

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

SELECT FILE

LEGISLATIVE BILL 220. Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 220A. Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 66. E & R amendment found in the Journal on page 475 for the Twenty-Fourth Day was adopted.
Advanced to E & R for Engrossment.
LEGISLATIVE BILL 22. Mr. Stoney asked unanimous consent to bracket LB 22 until March 1, 1977. No objections. So ordered.

MOTION—Place LB 92 on General File

Mr. Goodrich renewed his pending motion found in the Journal on page 407 for the Twentieth Day to place LB 92 on General File notwithstanding the committee action.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 17 nays, and 16 not voting.

The Goodrich motion prevailed with 32 ayes, 11 nays, and 6 present and not voting.

MOTION—Return LB 123 to Select File

Mr. Mills renewed his pending motion found in the Journal on page 476 for the Twenty-Fourth Day to return LB 123 to Select File for the specific amendment to strike the enacting clause.

Mr. Mills moved for a Call of the House. The motion prevailed with 18 ayes, 8 nays, and 23 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 26:

Bereuter	Burrows	Cope	Cullan	DeCamp
Duis	Dworak	Fowler	Hasebroock	Kahle
Keyes	Labedz	F. Lewis	R. Lewis	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Rasmussen	Reutzel	Rumery	Savage
Simon				

Voting in the negative, 19:

Barnett	Boughn	Brennan	Carsten	Clark
Fitzgerald	George	Goodrich	Hefner	Kelly
Kremer	Lamb	Luedtke	Marsh	Nichol
Stoney	Swigart	Venditte	Warner	

Present and not voting, 4:

Chambers	Koch	Newell	Schmit

The motion prevailed with 26 ayes, 19 nays, and 4 present and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

SELECT FILE

LEGISLATIVE BILL 123. The Mills specific amendment found in the Journal on page 476 for the Twenty-Fourth Day to strike the enacting clause was adopted with 26 ayes, 11 nays, and 12 present and not voting.

LB 123 stands indefinitely postponed.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Dworak asked unanimous consent to use the West Chamber for the Miscellaneous Subjects Committee hearing on February 17, 1977. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 218. Placed on General File as amended.
Standing Committee amendments to LB 218:

1. On page 3, line 1 strike "thirty" and insert "sixty".
2. On page 3, insert a new section to read 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 332. Placed on General File as amended.
Standing Committee amendment to LB 332:

1. On page 2, lines 2 and 18 strike "motor vehicle or"; line 8 strike "vehicle or" and after "combination" insert "of motor vehicles"; line 9 after "insurance," insert "self-insurance, or a surety bond,"; and in line 24 after "not" insert "less than five hundred dollars nor".

(Signed) John W. DeCamp, Chairman

NOTICE OF COMMITTEE HEARING
Committee on Committees

February 16, 1977

The Committee on Committees will meet at 12:00 noon, Tuesday, February 22, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

MARVIN E. NEWELL
2465 Sewell, Lincoln, Nebraska, for reappointment to the Public Employees Retirement Board.

HOWARD BURDICK
2522 - 16th St., Columbus, Nebraska, reappointment to the Public Employees Retirement Board.

RAY R. YOUNG
6917 No. 52nd St., Omaha, Nebraska, 68152, reappointment to the Public Welfare, Institutions and Corrections Advisory Committee.

February 16, 1977

The Committee on Committees will meet at 12:00 noon, Thursday, February 24, 1977, in the Legislative Council Hearing Room, Room 2102,

for the purpose of hearing the following appointments or reappointments by Governor J. J. Exon as follows:

MRS. TOM CREIGH

1650 N. Elm, Hastings, Nebraska, reappointment to the Nebraska Arts Council.

MADELINE CODER

Wellfleet, Nebraska, appointment to the Educational Television Commission.

MRS. PAT PETERSEN

140 W. Hawthorne, Minden, Nebraska, appointment to the Board of Public Roads Classifications and Standards.

(Signed) John S. Savage, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 389A. By Maxey, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, Eighty-fifth Legislature, First Session, 1977.

MOTION—Return LB 256 to Select File

Mr. Chambers moved to return LB 256 to Select File for the following specific amendment:

To raise the speed limit on the interstate to 60 MPH.

Mr. Simon 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. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 11 nays, and 22 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 22:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Clark	Cullan	DeCamp	Duis
George	Goodrich	Labedz	F. Lewis	Luedtke
Maxey	Mills	Nichol	Rasmussen	Reutzel
Simon	Venditte			

Voting in the negative, 25:

Carsten	Cope	Dworak	Fitzgerald	Fowler
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Lamb	R. Lewis	Maresh
Marsh	Marvel	Merz	Moylan	Murphy
Rumery	Savage	Stoney	Swigart	Warner

Present and not voting, 2:

Newell Schmit

The motion lost with 22 ayes, 25 nays, and 2 present and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

GENERAL FILE

LEGISLATIVE BILL 64. Title read. Considered.

Mr. Simon offered the following amendment:

On page 3, line 26 strike "during life" and show as stricken and insert "for not less than thirty years nor more than ninety years for each count which must be served consecutively with no provisions for parole."

Amendment pending.

Mr. Simon asked unanimous consent to bracket LB 64 until February 23, 1977. No objections. So ordered.

LEGISLATIVE BILL 118. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 23 present and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 79A. By Cope, 36th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 79, Eighty-fifth Legislature, First Session, 1977.

STANDING COMMITTEE REPORTS
Miscellaneous Subjects

LEGISLATIVE BILL 326. Indefinitely Postponed.

(Signed) Donald N. Dworak, Chairman

Judiciary

LEGISLATIVE BILL 125. Placed on General File.
LEGISLATIVE BILL 126. Placed on General File.
LEGISLATIVE BILL 120. Indefinitely postponed.

(Signed) W. Barnett, Chairman

GENERAL FILE

LEGISLATIVE BILL 294. Title read. Considered.

Mr. Mills offered the following amendment:
Add the Emergency Clause.

The amendment was adopted with 28 ayes, 1 nay, and 20 present and not voting.

Mr. Warner offered the following amendment:
1. On page 2, after line 15 insert a new section as follows:
"Sec. 2. That section 84-206, Revised Statutes Supplement, 1976, be amended to read as follows:
84-206. The Attorney General shall appoint ~~a~~ one or more deputy ~~attorney~~ attorneys general, who 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~~ A 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 acts of ~~said deputy~~ such deputies. The ~~deputy~~ deputies shall receive a salary of 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.~~; Provided, that the salary of the deputy attorney~~

~~general and each full-time assistant attorney general shall be not less than twenty thousand dollars.~~ ; and in line 17, after "1943," strike "is" and insert "and section 84-206, Revised Statutes Supplement, 1976, are".

2. Renumber original section 2 as section 3.

The amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Mr. Mills offered the following amendment:

Make an operative date of July 1, 1977.

The amendment was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Mr. Schmit offered the following amendment:

Reinstate the stricken language. Strike the new matter on lines 10 & 12 and strike the words "and" in line 13 and "prosecution" in line 14.

Mr. Barnett moved to bracket LB 294 until Monday, February 21, 1977. The motion lost with 23 ayes, 10 nays, and 16 present and not voting.

Mr. Mills requested a record vote on the Schmit amendment.

Voting in the affirmative, 25:

Barnett	Boughn	Brennan	Burrows	Cope
DeCamp	Duis	Dworak	George	Hasebroock
Hefner	Kahle	Koch	Lamb	Luedtke
Maresh	Marsh	Maxey	Merz	Newell
Schmit	Simon	Swigart	Venditte	Warner

Voting in the negative, 6:

Carsten	Cullan	Mills	Moylan	Murphy
Stoney				

Present and not voting, 18:

Bereuter	Chambers	Clark	Fitzgerald	Fowler
Goodrich	Kelly	Keyes	Kremer	Labedz
F. Lewis	R. Lewis	Marvel	Nichol	Rasmussen
Reutzel	Rumery	Savage		

The amendment was adopted with 25 ayes, 6 nays, and 18 present and not voting.

Mr. Mills moved to indefinitely postpone. The motion lost with 5 ayes, 20 nays, and 24 present and not voting.

Advanced to E & R for Review with 26 ayes, 3 nays, and 20 present and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11.

Introduced by Boughn, 21st District; DeCamp, 40th District.

WHEREAS, a memorandum from Jack M. Cleavenger, Director of Public Institutions, dated January 14, 1977 and issued to employees of the state directs that employees of the state are not allowed to attend committee hearings of the Legislature unless they are invited by a committee; and

WHEREAS, the purpose of the public hearings of the Nebraska Legislature is to afford all citizens, regardless of whether they are state employees or not, the opportunity to express their ideas and opinions on matters affecting Nebraska; and

WHEREAS, this Legislature wishes all citizens of Nebraska to know that they are all equal and that this state does not have any policy of imposing censorship upon citizens providing information to the Nebraska Unicameral.

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

1. That the Legislature hereby advises all citizens of Nebraska including public employees, that they have a right to appear at public committee meetings and hearings of the Legislature without any formal invitation from a committee.

2. That no state official may deny any citizen the right to appear before legislative committees and committee hearings.

3. That any directive or order contrary to the provisions of this resolution is contradictory to the policy and attitude of the Nebraska Legislature.

Laid over.

UNANIMOUS CONSENT—Print in Journal

Mr. Dworak asked unanimous consent to print the following amendment to LB 81 in the Journal. No objections. So ordered.

Amendment to LB 81

1. On page 6, strike beginning with the comma in line 27 through the period on page 7, line 3, and insert ". No disbursement shall be made from the State Parks Cash Fund until the Game and Parks Commission has presented a plan for the administration, operation, and maintenance of those areas or portions of areas, of the state park system which are designated as fee use areas to the Committee on Appropriations of the Legislature for its approval.".

UNANIMOUS CONSENT–Member Excused

Mr. Schmit asked unanimous consent to be excused Thursday, February 17, 1977. No objections. So ordered.

VISITORS

The President introduced former Senator H. C. Crandall from Curtis, Nebraska; and 30 fourth grade students from Belmont School and 3 teachers.

ADJOURNMENT

At 12:00 noon, on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, February 17, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SIXTH DAY--FEBRUARY 17, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 17, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 Messrs. DeCamp and Schmit who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Fifth Day was approved.

UNANIMOUS CONSENT–Members Excused

Mr. DeCamp asked unanimous consent to be excused Thursday and Friday, February 17 and 18, 1977. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused Monday, February 21, 1977. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 227. Placed on Select File as amended.
E & R amendment to LB 227:

1. On page 2, line 9, strike the second comma.

LEGISLATIVE BILL 396. Placed on Select File.

LEGISLATIVE BILL 138. Placed on Select File as amended.
E & R amendments to LB 138:

1. On page 3, line 18, strike "hereinafter"; and insert "in this act" after "to".

2. On page 4, strike line 20 and insert "Health;".

3. On page 5, line 8, strike "(1)"; in line 21 strike "(2)" and insert "Sec. 4."; and in line 27 strike "as defined by this act".

4. On page 6, line 4, strike "(3)" and insert "Sec. 5."; in line 18 strike the comma; and in line 21 strike "(4)" and insert "Sec. 6.".

5. On page 7, line 6, strike "(5)" and insert "Sec. 7."; and in line 8 insert a comma after "board".

6. Renumber original sections 4 to 18 as sections 8 to 22.

7. On page 8, line 2, strike "thereunder" and insert "pursuant to this act"; and in line 26, strike "prehospital" and insert "emergency medical".

8. On page 10, line 4, insert "advanced" after "such" and "medical" after "emergency".

9. On page 11, line 22, strike "thereunder" and insert "pursuant to this act".

10. In the title, line 3, strike "prehospital" and insert "advanced"; and in line 8 strike "Prehospital" and insert "Emergency Medical".

LEGISLATIVE BILL 138A. Placed on Select File.

LEGISLATIVE BILL 88. Placed on Select File as amended.
E & R amendments to LB 88:

1. Insert new section 2 added by the Labedz amendment as section 3 and renumber original sections 2 and 3 as sections 4 and 5.

2. On page 2, line 5, strike the comma and show as stricken.

3. In the Labedz amendments, page 1, line 5, strike "the" and insert "an"; strike the second comma in line 8; insert an underscored comma at the end of line 16; in line 17 strike the comma; and in lines 18 and 22 strike "four" and insert ", for".

4. In the Labedz amendments, page 2, line 4, insert "of" after "granting"; and in line 16 strike "state deputy" and insert "deputy state".

5. In the title, strike line 5 and insert "manner in which overtime shall be compensated; to".

LEGISLATIVE BILL 122. Placed on Select File as amended.
E & R amendment to LB 122:

1. On page 3, line 8, strike the comma and show as stricken; and strike the comma in lines 19 and 20.

LEGISLATIVE BILL 136. Placed on Select File as amended.
E & R amendments to LB 136:

1. On page 2, line 13, insert "or" after the comma.

2. In the title, line 5, strike "terms" and insert "a term".

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendments to LB 172:

1. On page 3, strike lines 1 and 2 and through "those" in line 3 and insert "Nebraska by reinstating the maximum height restrictions in the State Capitol environs"; and in line 11 insert "State" after "the".

2. In committee amendment 2, line 3, strike "contained herein" and insert "in this section"; and in line 4 strike "of" and insert "by".

3. On page 7, line 23, strike "These three governmental" and insert "Such".

LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 144. Placed on Select File as amended.
E & R amendment to LB 144:

1. On page 3, line 25, strike "Where, however," and show stricken and insert "When".

(Signed) Samuel K, Cullan, Chairman

NOTICE OF COMMITTEE HEARING
Public Health and Welfare

LB 494	Monday, March 7, 1977	2:00 p.m.
LB 496	Monday, March 7, 1977	2:00 p.m.

(Signed) Richard Lewis, Chairman

MOTION–Introduce Bill

Mr. R. Lewis moved the introduction of a new bill by the Committee on Public Health and Welfare. (Req. No. 783)

The motion prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 501. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Brennan, 9th District; Rasmussen, 41st District; Boughn, 21st District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT to amend sections 83-1019, 83-1020, 83-1021, 83-1023, 83-1030, 83-1034, 83-1038, and 83-1045, Revised Statutes Supplement, 1976, relating to the Nebraska Mental Health Commitment Act; to designate additional persons who may take mentally ill dangerous persons into custody; to change the time limitations for certain commitment proceedings as prescribed; to provide duties of the mental health board; and to repeal the original sections.

LEGISLATIVE BILL 33A. By Koch, 12th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 33, Eighty-fifth Legislature, First Session, 1977.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 500	Tuesday, March 8, 1977	1:30 p.m.
LB 478	Tuesday, March 8, 1977	2:00 p.m.

(Signed) John W. DeCamp, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 132.

A BILL FOR AN ACT to amend section 81-1506, Revised Statutes Supplement, 1976, relating to the Environmental Protection Act; to provide that compliance with specified conditions by a livestock operation shall create a presumption that such operation is not a nuisance; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 2:

Hasebroock Murphy

Excused and not voting, 2:

DeCamp Schmit

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

LEGISLATIVE BILL 133.

A BILL FOR AN ACT to amend section 60-301, Revised Statutes Supplement, 1976, relating to motor vehicles; 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, 44:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 3:

Fitzgerald	Fowler	Murphy

Excused and not voting, 2:

DeCamp	Schmit

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

LEGISLATIVE BILL 134. With Emergency.

A BILL FOR AN ACT to amend section 54-1331, Reissue Revised Statutes of Nebraska, 1943, relating to brucellosis in cattle; to define exposed animals; to provide for the identification of exposed animals and to designate the letter S brand for such purpose; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb

F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Marvel

Excused and not voting, 2:

DeCamp 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 254.

A BILL FOR AN ACT to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to delete the prohibition against an occupation tax on bottle clubs; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Excused and not voting, 2:

DeCamp Schmit

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

LEGISLATIVE BILL 256. Mr. Chambers moved to return LB 256 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Kremer moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Chambers motion to return LB 256 to Select File lost with 15 ayes, 27 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Newell moved to return LB 256 to Select File for the following specific amendment:

To provide a penalty clause of a fine of $10.00 for speeding up 65 with no loss of points on all state highways.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 6 nays, and 10 not voting.

The Newell motion to return LB 256 lost with 9 ayes, 31 nays, 7 present and not voting, and 2 excused and not voting.

Mr. Chambers asked unanimous consent to bracket LB 256 until tomorrow.

Mrs. Marsh objected.

Mr. Chambers moved to bracket the bill until tomorrow.

The motion lost with 11 ayes, 28 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Venditte asked to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 256. With Emergency.

A BILL FOR AN ACT relating to rules of the road; to enact speed limits as prescribed; to repeal section 39-662.03, Revised Statutes Supplement, 1975, and sections 39-662 and 39-666, Revised Statutes Supplement, 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, 33:

Brennan	Carsten	Cope	Cullan	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Merz	Mills
Moylan	Murphy	Newell	Rumery	Savage
Stoney	Swigart	Warner		

Voting in the negative, 12:

Barnett	Bereuter	Boughn	Burrows	Chambers
Clark	George	F. Lewis	Nichol	Rasmussen
Reutzel	Simon			

Present and not voting, 1:

Maxey

Excused and not voting, 3:

DeCamp	Schmit	Venditte

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 66.

Correctly Enrolled

The following bills were correctly enrolled: 17, 57, 73, 193, and 211.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 17, 57, 73, 193, and 211.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 52	Friday, February 25, 1977	1:30 p.m.
LB 135	Friday, February 25, 1977 (Rehearing)	1:30 p.m.
LB 484	Friday, February 25, 1977	1:30 p.m.

(Signed) Loran Schmit, Chairman

ANNOUNCEMENTS

Mr. George announced an executive session on the Committee of Urban Affairs, Monday, February 21, 1977, at 9:00 a.m., in the East Lounge.

Mr. Marvel announced an Executive Board meeting in room 2102 at 4:30 today.

UNANIMOUS CONSENT–Member Excused

Mrs. Labedz asked unanimous consent to be excused Friday, February 18, 1977. No objections. So ordered.

MR. MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 129. Title read. Considered.

Standing Committee amendments found in the Journal on page 387 for the Nineteenth Day were adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 2 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 255. Title read. Considered.

Standing Committee amendment found in the Journal on page 387 for the Nineteenth Day was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 393. Title read. Considered.

Standing Committee amendments found in the Journal on page 388 for the Nineteenth Day were adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 155. Title read. Considered.

Standing Committee amendments found in the Journal on page 394 for the Nineteenth Day were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 60. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 179. Title read. Considered.

Mr. Chambers moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers requested a roll call vote on advancing LB 179 to E & R for Review.

Voting in the affirmative, 25:

Bereuter	Brennan	Burrows	Chambers	Cullan
Duis	Fitzgerald	Fowler	Kelly	Keyes
Labedz	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Moylan	Newell
Rasmussen	Reutzel	Savage	Simon	Venditte

Voting in the negative, 12:

Carsten	Dworak	Goodrich	Hasebroock	Hefner
Kahle	Koch	Kremer	Lamb	Murphy
Nichol	Stoney			

Present and not voting, 10:

Barnett	Boughn	Clark	Cope	George
Marvel	Mills	Rumery	Swigart	Warner

Excused and not voting, 2:

DeCamp Schmit

Advanced to E & R for Review with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 179A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 10 nays, 11 present and not voting, and 2 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE BILL 182. Title read. Considered.

Mr. Venditte offered the following amendments:

1. Add a new section 1 as follows:

"Section 1. The Legislature finds that waste disposal and the control of such disposal facilities are important to the daily lives of all Nebraskans. This act is intended to provide a means for the protection of health and the environment.".

2. On page 2, strike line 8; in line 11 strike the period and insert "but shall not include containers, compactors, and other devices or vehicles used by industrial and commercial facilities for removing wastes from their premises;

(3) Public water supply shall mean reservoirs, tanks, wells, except those which are not used for potable water supply or watering of livestock, and treatment facilities used for potable water, but shall not include buried water supply piping or water supply piping in buildings or other facilities; and

(4) City shall mean any city of the metropolitan class.".

3. Renumber original sections 1 to 3 as sections 2 to 5 respectively.

4. Insert new sections 6, 7, and 8 as follows:

"Sec. 6. Any city or county violating any of the provisions of this act shall, upon conviction thereof, be fined one thousand dollars per day for each day the violation continues.

Sec. 7. Industrial and commercial establishments which treat waste water on their own premises in a manner which is not deleterious to the public health or welfare or which does not constitute a public nuisance shall be exempt from the provisions of this act.

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.".

Amendment pending.

PRESIDENT WHELAN PRESIDING

Mr. Venditte asked unanimous consent to bracket LB 182 until February 24, 1977. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 13. E & R amendments found in the Journal on page 496 for the Twenty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 231. E & R amendments found in the Journal on page 496 for the Twenty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 115. E & R amendment found in the Journal on page 497 for the Twenty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 29. Considered.

Mr. Maresh renewed his pending amendment found in the Journal on page 435 for the Twenty-First Day. The amendment was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Dworak requested a roll call vote on advancing LB 29.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 18 ayes, 17 nays and 15 not voting. The Chair voted "aye" to break the tie.

Voting in the affirmative, 40:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 4:

Cullan	Dworak	Marvel	Rasmussen

Present and not voting, 3:

Boughn	Duis	R. Lewis

Excused and not voting, 2:

DeCamp Schmit

Advanced to E & R for Review with 40 ayes, 4 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Dworak moved the Call be raised. The motion prevailed with 24 ayes, 0 nays and 25 not voting.

LEGISLATIVE BILL 103. Mr. Moylan asked unanimous consent to bracket LB 103 until Tuesday, February 22, 1977. No objections. So ordered.

LEGISLATIVE BILL 267. Mr. F. Lewis asked unanimous consent to bracket LB 267 until Wednesday, February 23, 1977.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will hold an executive session in the East Chamber at 1:30 p.m. today.

Mr. F. Lewis announced the Education Committee will hold an executive session Monday, February 21, 1977 at 10:30 a.m.

NOTICE OF COMMITTEE HEARING
Revenue

LB 28 Wednesday, March 2, 1977 2:00 p.m.

(Signed) F. Lewis, Chairman

MOTION—Suspend Rules

Mr. F. Lewis moved to suspend the rules to withdraw LB 439 and cancel the hearing date of February 23, 1977.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The motion to withdraw LB 439 and cancel the hearing prevailed with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mr. R. Lewis announced an executive session of Public Health and Welfare at 10:00 a.m.,Monday, February 21, 1977 in the Supreme Court Hearing Room.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Keyes asked unanimous consent for the Revenue Committee to use the West Chamber on February 22 at 2:00 p.m. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 179 in the Journal. No objections. So ordered.

Amendment to LB 179

1. On page 2, line 26 strike "fifty" and insert "thirty"; line 27 strike "sixty" and insert "fifty-one".

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 81 in the Journal. No objections. So ordered.

Amendments to LB 81

1. On page 4, line 19, after the second period, insert "(1)".
2. On page 5, line 4, strike the period and insert a semicolon; and insert:

"(2) All areas designated as an area for which a permit is required, shall contain a facility for the purpose of selling such permits; and

(3) If no such facility is provided for permit sales in a designated area, no permit shall be required for that particular area notwithstanding the provisions of this act.".

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Motion to advance to E & R for Review pending.

SPEAKER'S ANNOUNCEMENT

Speaker Luedtke announced there will be no session on Monday, February 21, 1977. Executive sessions will be held in the morning of February 21 and regular committee hearings in the afternoon. The criminal code bills will be heard on General File on Monday, February 28, 1977.

VISITORS

The President introduced 12 students and Professor Vermeer from Nebraska Wesleyan University; 70 4th grade students and sponsors from Huntington School, Lincoln; 33 students from the 9th grade Civics Class and sponsors from Milford Public School, Milford; Mr. and Mrs. Myron L. Rumery, Scott, Jeff and Kristian Ann; Mr. and Mrs. John Lunford, John and Ruth and Helen Faller.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, February 18, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-SEVENTH DAY–FEBRUARY 18, 1977

LEGISLATIVE JOURNAL

TWENTY-SEVENTH DAY—FEBRUARY 18, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 18, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Robert B. Ohman, Associate Pastor, Westminster Presbyterian Church, Lincoln, Nebraska.

> Our Father, as we pray for Your guidance and help, we know that You did not intend prayer to be a substitute for work. We know that we are expected to do our part for You have made us, not puppets, but persons with minds to think and wills to do. Make us willing to think, and think hard, clearly, and honestly, guided by Your voice within us, and in accordance with the light You have given us. May we never fail to do the very best we can. We pray in the knowledge that it all depends upon You. Help us then to work as if it all depended on us, that together we may do that which is pleasing in Your sight. For Jesus' sake, Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Labedz and Messrs. DeCamp and Murphy who were excused; and Mr. Newell who was excused until he arrives; and Mrs. Marsh and Messrs. Chambers and Fowler who were absent until 9:10 a.m.

CORRECTIONS FOR THE JOURNAL

Page 522, line 26, insert: "Re-" before "Engrossment".
Page 524, delete line 7 and insert: "(Signed) Orval Keyes, Chairman".
The Journal for the Twenty-Sixth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Reutzel asked unanimous consent to be excused Wednesday, February 23, 1977. 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 February 17, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

Bloomingdale, A. Lee - Omaha, Mutual Protective Insurance Company and its wholly owned subsidiary, Medico Life Insurance Company.
Hurd, Del - Wayzata, Minn., Wyeth Labs
Johnson, Joseph E. - Anselmo, Mid-Nebraska Wildlife Clubs, Inc.
Kocina, Dean - Omaha, Machinists Lodge No. 31
LaShelle, Charles S. - Omaha, Mutual Protective Insurance Company and its wholly owned subsidiary, Medico Life Insurance Company
Moylan, James H. - Omaha, Nebraska Shorthand Reporters Association
Ryan, James E. - Lincoln, Nebraska District Judges Association
Tews, David D. - Lincoln, Wine Institute

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 364. Placed on General File.

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 118. Placed on Select File.

LEGISLATIVE BILL 294. Placed on Select File as amended.
E & R amendments to LB 294:

1. On page 2, lines 13 and 14, show as stricken the words stricken by the Schmit amendment.

2. Insert two new sections to read:

"Sec. 3. This act shall become operative on July 1, 1977.

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 2 as section 4.

4. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to the Attorney General; to limit duties of agency legal counsel; to permit the appointment of more than one deputy; to amend section 60-439, Reissue Revised

Statutes of Nebraska, 1943, and section 84-206, Revised Statutes Supplement, 1976; to provide an operative date; to repeal the original sections; and to declare an emergency.".

(Signed) Samuel K. Cullan, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
497	Judiciary	500	Bkg., Comm. & Ins.
498	Gov. Mil. & Vets. Afrs.	501	Pub. Hlth. & Wel.
499	Public Works		

(Signed) Richard D. Marvel, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor February 18, 1977, at 8:35 a.m., were the following bills: 17, 57, 73, 193, and 211.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 132, 133, 134, 254, and 256.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 132, 133, 134, 254, and 256.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 495 Monday, March 7, 1977 1:30 p.m.

(Signed) Jerome Warner, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 10.

A BILL FOR AN ACT to amend section 30-103.01, Reissue Revised Statutes of Nebraska, 1943, relating to decedents' estates; to correct an erroneous internal reference; 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	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Duis
Dworak	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Fitzgerald

Absent and not voting, 3:

Chambers	Fowler	Marsh

Excused and not voting, 4:

DeCamp	Labedz	Murphy	Newell

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 to amend section 44-3002, Revised Statutes Supplement, 1976, relating to the Professional Liability Insurance Availability Act; to redefine health care provider to include a person engaged in the practice of podiatry; 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	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	Duis
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 4:

Brennan	Dworak	George	F. Lewis

Excused and not voting, 3:

DeCamp	Labedz	Murphy

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

LEGISLATIVE BILL 167. With Emergency.

A BILL FOR AN ACT to amend sections 24-553 and 30-2218, Reissue Revised Statutes of Nebraska, 1943, relating to probate; to clarify and harmonize provisions; to repeal the original sections, and also sections 24-564 to 24-566, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Voting in the affirmative, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 1:

Marvel

Excused and not voting, 3:

DeCamp	Labedz	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 191.

A BILL FOR AN ACT relating to the Nebraska brand inspection area; to provide for the addition of counties to the area by petition as prescribed; to amend section 54-134, 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, 44:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kelly	Keyes	Koch
Kremer	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 1:

Dworak

Present and not voting, 1:

Kahle

Excused and not voting, 3:

DeCamp Labedz Murphy

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

LEGISLATIVE BILL 237. With Emergency.

A BILL FOR AN ACT to amend section 53-124, Revised Statutes Supplement, 1976, relating to liquors; to authorize the issuance of a liquor retailer's license to a fine arts museum incorporated as a nonprofit corporation; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cullan	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Merz
Moylan	Newell	Nichol	Rasmussen	Savage
Schmit	Simon	Venditte	Warner	

Voting in the negative, 10:

Chambers	Cope	Kelly	Lamb	Marvel
Maxey	Mills	Reutzel	Stoney	Swigart

Present and not voting, 2:

Kremer Rumery

Excused and not voting, 3:

DeCamp Labedz 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 FILE

LEGISLATIVE BILL 30. Mr. Maresh renewed his pending amendment found in the Journal on page 447 for the Twenty-Second Day.

Mr. Chambers moved for a Call of the House. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

The Call showed 46 members present.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Boughn	Carsten	Clark	Cope
Duis	Hasebroock	Hefner	Kahle	Kelly
Kremer	Lamb	R. Lewis	Maresh	Marsh
Moylan	Nichol	Rasmussen	Rumery	Schmit
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 22:

Bereuter	Brennan	Burrows	Chambers	Cullan
Dworak	Fitzgerald	Fowler	George	Goodrich
Keyes	Koch	F. Lewis	Luedtke	Marvel
Maxey	Merz	Mills	Newell	Reutzel
Savage	Simon			

Excused and not voting, 3:

DeCamp	Labedz	Murphy

The Maresh amendment lost with 24 ayes, 22 nays, and 3 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in the Journal on page 474 for the Twenty-Fourth Day were adopted.

Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 220A. Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 227. E & R amendment found in the Journal on page 511 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 396. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 138. E & R amendments found in the Journal on page 511 for the Twenty-Sixth Day were adopted.

Bracketed until February 22, 1977 at the request of Mr. R. Lewis.

LEGISLATIVE BILL 138A. Bracketed until February 22, 1977 at the request of Mr. R. Lewis.

UNANIMOUS CONSENT—Print in Journal

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 138 in the Journal. No objections. So ordered.

1. On page 5, line 22 strike "nine" and insert "eleven"; and in line 27 strike "physician surrogates as defined by this act," and insert "registered nurses experience in advanced emergency medical care, one of whom shall be a physician's assistant, one of whom shall be a consumer,".

2. On page 6, line 2 after "or" insert "fire or", and strike "captain" and insert "officer".

3. On page 7, line 23 after "physician" insert ", but such physician shall not be liable nor responsible for the actions of the ambulance service or personnel thereof".

4. On page 9, line 20 strike "in good faith" and insert "with ordinary care".

5. On page 10, line 3 strike "physician, or hospital" and insert "the supervising physician, or any hospital, or the state, or any county, city, village, other local government units, or political subdivision thereof, or its employees"; strike beginning with "while" in line 4 through "negligence" in line 6 and insert "arising out of negligent acts in the performing or rendering of advanced emergency medical care".

SELECT FILE

LEGISLATIVE BILL 88. E & R amendments found in the Journal on page 511 for the Twenty-Sixth Day were adopted.

Laid over at the request of Mr. Warner.

LEGISLATIVE BILL 122. E & R amendment found in the Journal on page 512 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 136. E & R amendments found in the Journal on page 512 for the Twenty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 172. Mr. Bereuter offered the following amendment to the E & R amendments found in the Journal on page 512 for the Twenty-Sixth Day.

To amend the language in the E & R amendments approved for LB 172 by striking the amendments proposed for lines 1 and 2 of page 3 of the bill and through the word "those" on line 3, page 3 of the bill, and to substitute the word "act" for the word "section" in line 6 of the E & R amendments adopted.

Mr. Cullan asked unanimous consent to have the bill laid over.

Mr. Bereuter objected.

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

Mr. Bereuter moved to reject the E & R amendments.

Mr. Bereuter requested a machine vote.

Mr. Bereuter withdrew his request.

Mr. Cullan asked unanimous consent to withdraw the E & R amendments. No objections. So ordered.

LEGISLATIVE BILL 194. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 144. E & R amendment found in the Journal on page 512 for the Twenty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENTS

Mr. Kremer announced an executive session of the Public Works Committee at 1:30 p.m. in the East Chamber today.

Mr. Maresh announced an executive session of the Business and Labor Committee at 1:00 p.m., Monday, February 21, 1977 in the Supreme Court Hearing Room.

NOTICE OF COMMITTEE HEARINGS

Public Health and Welfare

LB 501	Tuesday, March 8, 1977	2:00 p.m.

(Signed) Richard Lewis, Chairman

Public Works

LB 151	Friday, March 4, 1977 (Cancelled)	2:00 p.m.
LB 450	Thursday, March 10, 1977 (Cancelled)	2:00 p.m.
LB 450	Wednesday, March 2, 1977 (Reset)	2:00 p.m.
LB 499	Friday, March 4, 1977	2:00 p.m.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Koch asked unanimous consent to print the following amendments to LB 81 in the Journal. No objections. So ordered.

Amendment No. 1 to LB 81

1. On page 4 line 7 after "dollar" insert a period and strike the remainder of the line; strike line 8.

Amendment No. 2 to LB 81

1. On page 4, strike lines 9 through 12 and insert the following:

"Sec. 6. (1) In addition to the annual permit issued pursuant to this act, the registered owners of two or more motor vehicles may purchase duplicate permits for all motor vehicles owned by such person. All such permits shall be purchased at the same time and from the same vender. In order to qualify for purchasing duplicate permits, the registered owner shall present to the vender the certificate of registration

of each motor vehicle registered in such person's name for which duplicate permits are sought to be purchased.

(2) The fee for the first annual permit, issued to the registered owner of two or more vehicles purchasing duplicate permits, shall be the fees established by section 5 of this act and the fee for duplicate permits shall be one dallar for each duplicate permit issued.

(3) In the event of the sale of a vehicle to which a permit is attached, the remaining value of the permit shall accrue to the purchaser.".

Amendment No. 3 to LB 81

1. On page 6, line 8 after "Sec. 12." insert "(1)"; after line 11 insert the following:

"(2) The commission, its agents and officers, and any other peach officer of this state shall be empowered to enforce the provisions of this act.".

GENERAL FILE

LEGISLATIVE BILL 475. Title read. Considered.

Standing Committee amendment found in the Journal on page 481 for the Twenty-Fourth Day was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 477. Title read. Considered.

Mr. Warner offered the following amendment:
Amend LB 477 as follows:
On page 2, line 4, strike "No. 25" and insert "No. 13".

The amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 17 present and not voting, 3 excused and not voting.

LEGISLATIVE BILL 99. Laid over until Wednesday, February 23, 1977 at the request of Mr. F. Lewis.

Mr. Swigart asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 219. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 357. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 79. Laid over until March 10, 1977 at the request of Mr. Cope.

LEGISLATIVE BILL 79A. Laid over until March 10, 1977 at the request of Mr. Cope.

LEGISLATIVE BILL 389. Title read. Considered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Advanced to E & R for Review with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 389A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 443. Title read. Considered.

Standing Committee amendments found in the Journal on page 454 for the Twenty-Second Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Nichol offered the following amendment:
Amendment No. 1
On page 6, line 27, after "membership;" insert
"Provided, the costs of sectarian instruction shall not be included in determining the adjusted average per pupil cost and the computation shall be subject to audit by appropiate state agencies."

The amendment was adopted with 27 ayes, 2 nays, 17 present and not voting, 3 excused and not voting.

Mr. Nichol offered the following amendment:
Amendment No. 2
On page 7, line 3, after "year" insert ", excluding the cost of sectarian instruction,"

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Nichol offered the following amendment:
Amendment No. 3
On page 5, line 6, strike "services nonsectarian in nature" and after "only" in line 6 insert "nonsectarian services".

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 95. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT–Unbracket LB 182

Mr. Venditte asked unanimous consent to unbracket LB 182 on General File. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 182. Considered.

Mr. Venditte renewed his pending amendment found in the Journal on page 521 for the Twenty-Sixth Day.

Amendment pending.

MOTION–Withdraw LB 470

Mr. Nichol moved to withdraw LB 470 and cancel the hearing date of February 28, 1977.

Motion pending.

ANNOUNCEMENT

Mr. Keyes announced the Revenue Committee will hold an executive session at 10:00 a.m., Monday, February 21, 1977.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 13, 115, and 231.

(Signed) Samuel K. Cullan, Chairman

MOTION—Return LB 172 to E & R

Mr. Cullan moved to return LB 172 to E & R for Review.

The motion prevailed with 25 ayes, 0 nays and 21 present and not voting, and 3 excused and not voting.

VISITORS

The President introduced Miss Cindy Johnson, daughter of Mr. & Mrs. Klayton Johnson of Harrisburg; Nebraska's representative to the National Junior Miss Pageant in Mobile, Alabama.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, February 22, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-EIGHTH DAY—FEBRUARY 22, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 22, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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 call was called and all members were present except Mr. Carsten who was excused and Mr. Warner who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Seventh Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 22
February 15, 1977

Dear Senator Kremer:

In your letter of February 11, 1977, you ask our opinion as to the constitutional validity of LB 373. This bill would amend section 45-335, R.R.S. 1943, by amending subsection (5) thereof. Subsection (5) defines the term "installment sale." As the law now reads, an installment sale must provide for payment of the sale price in one or more installments and within 145 months. LB 373 would amend this subsection by providing that installment contracts for the purchase of mobile homes may exceed the 145 months limitation.

The only constitutional problem we can see with respect to this bill is whether or not it provides for unreasonable class legislation, in violation of Article III, Section 18, of the Nebraska Constitution. We have concluded that it does not.

The Installment Sales Act, sections 45-334 to 45-353, deals with installment sales of personal property. Subsection (1) of section 45-335 provides that goods shall mean all personal property except money or things in action, and shall include goods which, at the time of sale or subsequently are so affixed to realty as to become a part thereof whether or not severable therefrom. This definition would, of course, include mobile homes. The proposed amendment would not eliminate mobile homes from the definition of "goods," and installment sales of mobile homes would still be subject to the Installment Sales Act. However, installment sales of mobile homes could provide for repayment of the purchase price in more than 145 months, while all other installment sales subject to the act would be required to provide for repayment in not more than 145 months.

The rules with respect to proper and improper class legislation have been frequently stated by our Supreme Court. In Bridgeford v. U-Haul Company, 195 Neb. 308, 238 N.W.2d 443 (1976), the court said:

> ". . . An excellent discussion with reference to the problem of classification under the equal protection clause not involving suspect classifications or fundamental rights, is found in Schwartz, Constitutional Law (1972), Section 153, p. 289, where that authority states: 'Judicial review determines only whether there was a reasonable basis for the particular classification, from the point of view of the legislators who adopted it. The test is whether legislators could in reason have acted upon the classification A classification having some reasonable basis does not offend merely because it is not made with mathematical nicety. We have to consider not whether the legislator acted with the exactness of a geometric equation, but only whether, though the law bear hard upon some particular class, the class itself is differentiated upon some rational basis. Judicial review of classifications is not exercise in logical abstractions. Legislatures are presumed to have acted within their constitutional power

despite the fact that their laws result in some inequality.' See, also, Botsch v. Reisdorff, 193 Neb. 165, 226 N.W. 2d 121 (1975)."

Appraised in the light dictated by the Nebraska Supreme Court, we certainly cannot say that no rational basis exists for differentiating in this manner between the installment sales of mobile homes and the installment sales of other types of personal property. We do not know all of the considerations which the Legislature may have in mind in considering this bill, but some occur to us. In the first place, the purchase price of a mobile home is likely to be higher than the purchase price of most other types of personal property which would be brought under an installment sales contract. This might, in the view of the Legislature, indicate the necessity for a longer period of time in which to pay the purchase price. It is true, of course, that sometimes the purchase price of other types of personal property might be greater than that for a mobile home. But, as the above quotation from Bridgeford indicates, the classification need not be made with mathematical nicety.

Furthermore, the Legislature may be taking into consideration the fact that other types of homes are usually purchased subject to a real estate mortgage, which often provides for repayment over a period of much more than 145 months. The Legislature may be attempting to make the purchase of a mobile home comparable to the purchase of a conventional home, while still leaving the purchase subject to the Installment Sales Act. We cannot say that such considerations are wholly irrational. We are therefore of the opinion that the classification made by LB 373 can be sustained in the courts.

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

COMMUNICATIONS
Attorney General

February 17, 1977

Dear Senator Luedtke:

We wish to advise you that representatives of the Nebraska Department of Labor and representatives of the American Federation of State, County, and Municipal Employees have met and now agree to a contract in substance and form which is to be submitted to your honorable body for approval as required by Section 48-837, R.R.S. 1943.

We believe that it would be appropriate for representatives of both sides to appear before such members of the Legislature as you deem appropriate for the purpose of answering any questions which might exist with regard to the agreement. We would appreciate your advising us as to the time and place for such meeting.

We enclose, for your initial examination, two copies of the agreement and we will be glad to provide you with such additional copies as you require.

We particularly call your attention to the fact that with regard to the matter of salary and similar fringe benefits, the parties have agreed to abide by the budget eventually passed by the Legislature and approved by the Governor. For that reason, this contract may be considered by the Legislature prior to the adoption of the budget.

Very truly yours,

(Signed) Paul L. Douglas
Attorney General

PLD:JRT:ejg
enc.

MOTION—Refer Agreement

Speaker Luedtke moved to refer the matter of the agreement between the Department of Labor and the American Federation of State-County-Municipal Employees to the Business and Labor Committee for public hearing.

The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

PRESENTED TO GOVERNOR

Presented to the Governor on February 22, 1977 at 8:25 a.m., were the following bills: 132, 133, 134, 254, and 256.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 172. Placed on Select File as amended.
E & R amendments to LB 172:

1. On page 3, line 11, insert "State" after "the".

2. In committee amendment 2, line 3, strike "contained herein" and insert "in this act"; and in line 4 strike "of" and insert "by".

3. On page 7, line 23, strike "These three governmental" and insert "Such".

LEGISLATIVE BILL 129. Placed on Select File as amended.
E & R amendment to LB 129:

1. In the title, line 5, strike "license" and insert "fishing permit".

LEGISLATIVE BILL 255. Placed on Select File as amended.
E & R amendment to LB 255:

1. In the title, line 7, strike "remove" and insert "change".

LEGISLATIVE BILL 155. Placed on Select File as amended.
E & R amendment to LB 155:

1. In the title, strike beginning with "to" in line 6 through "membership" in line 8 and insert "to change the manner and time of compensating a former member".

LEGISLATIVE BILL 183. Placed on Select File.

LEGISLATIVE BILL 60. Placed on Select File as amended.
E & R amendment to LB 60:

1. In the title, line 6, insert "to delete a limitation on exemptions;" after the semicolon.

LEGISLATIVE BILL 179. Placed on Select File.
LEGISLATIVE BILL 179A. Placed on Select File.

LEGISLATIVE BILL 29. Placed on Select File as amended.
E & R amendments to LB 29:

1. Insert the new matter added by the Maresh amendment adopted 2/7/77 to page 2, line 3, after "buildings".

2. On page 2, line 11, strike "and"; in line 12 strike the comma and insert "and"; in line 13 insert a comma after "athletic"; and in lines 22 and 23 strike "construction and".

3. On page 3, line 10, strike the commas; and in line 22 insert "a statement of" after the first comma.

4. In the Maresh amendment 2, line 8, strike ". Approval may also" and insert ", or may submit the question of approval to".

5. On page 5, lines 17, 18, and 19, strike "elected" and insert "appointed".

6. On page 6, line 10, strike ", construction,"; and insert "shall" at the end of line 15.

7. In the title, strike lines 3 and 4 and insert "provide for the maintenance and use of community buildings; to provide for the formation, powers, and operation of districts; to authorize a tax; and to provide for dissolution.".

LEGISLATIVE BILL 475. Placed on Select File.
LEGISLATIVE BILL 477. Placed on Select File.

LEGISLATIVE BILL 357. Placed on Select File as amended.
E & R amendment to LB 357:

1. In the title, strike beginning with "for" in line 5 through "prescribed" in line 8 and insert "when the appointment of purchasing agents shall not be recognized".

LEGISLATIVE BILL 389. Placed on Select File as amended.
E & R amendment to LB 389:

1. On page 5, line 13, strike "Commissioner" and insert "State Department".

LEGISLATIVE BILL 389A. Placed on Select File.

LEGISLATIVE BILL 443. Placed on Select File as amended.
E & R amendments to LB 443:

1. In line 1 of the Nichol amendment to page 5, strike "line 6" and insert "lines 6 and 7".

2. In line 5 of the Nichol amendment to page 6, strike the period and insert an underscored semicolon.

3. In line 1 of the Nichol amendment to page 7, insert "as amended" after "3".

4. On page 7, insert an underscored comma at the end of line 11; and insert "that" at the end of line 13.

5. Insert the committee amendment to page 8, line 15, after "year".

6. In the title, strike beginning with "43-611.01" in line 2 through the second comma in line 4; and in line 13 insert ", and also section 43-609, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 95. Placed on Select File as amended.
E & R amendments to LB 95:

1. On page 3, line 7, strike "where" and insert "~~where~~ when".

2. In the title, line 4, strike "that" and insert "when".

Correctly Engrossed

The following bills were correctly engrossed: 30, 122, 136, 144, 194, 227, and 396.

Correctly Enrolled

The following bills were correctly enrolled: 10, 119, 167, 191, and 237.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 10, 119, 167, 191, and 237.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 410. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 12.

Introduced by Murphy, 17th District; Hefner, 19th District.

WHEREAS, Ralph F. Beermann was a native Nebraskan who was a veteran of World War II and a successful contributor to the health of the private sector of Nebraska business; and

WHEREAS, Mr. Beermann had served two terms in Congress as a respresentative of his state as well as serving as a member of the Siouxland Interstate Metropolitan Planning Council and as a two term director of the Nebraska Public Power District as well as many community and civic boards and commissions; and

WHEREAS, he was an active participant in the religious community serving six years as a member of the Board of Directors of the Nebraska Synod, Lutheran Church of America; and

WHEREAS, Ralph F. Beermann's long and highly valued career in public service ended abruptly in a small aircraft on a windy runway in Iowa on February 17, 1977.

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

1. That the members of the Legislature extend their sympathy to the members of the family of Ralph F. Beermann.

2. That a copy of this resolution be delivered to the Ralph F. Beermann family as an expression of regret for the passing of one whose life was a model of citizen involvement.

Laid over.

UNANIMOUS CONSENT—Consider LB 172

Mr. Cullan asked unanimous consent to consider LB 172 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 172. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. Mr. Koch offered the following amendment:

1. On page 9, line 1 after "wholesale" strike
"or at retail".

Mr. Koch requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Bereuter	Boughn	Chambers	Clark
Cope	Cullan	Duis	George	Goodrich
Kelly	Koch	Kremer	R. Lewis	Maresh
Maxey	Murphy	Rasmussen	Simon	Swigart

Voting in the negative, 25:

Brennan	Burrows	DeCamp	Dworak	Fitzgerald
Fowler	Hasebroock	Hefner	Kahle	Keyes
Labedz	Lamb	F. Lewis	Luedtke	Marsh
Merz	Mills	Moylan	Newell	Nichol
Rumery	Savage	Schmit	Stoney	Venditte

Present and not voting, 2:

Marvel Reutzel

Absent and not voting, 1:

Warner

Excused and not voting, 1:

Carsten

The amendment lost with 20 ayes, 25 nays, 2 present and not voting, 1 absent and not voting, and 1 excused and not voting.

Mr. Stoney offered the following amendment:

1 1. Strike original section 21 and renumber the
2 remaining sections accordingly.

Mr. Stoney moved for a Call of the House. The motion prevailed with 17 ayes, 14 nays, and 18 not voting.

Mr. Stoney requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Bereuter	Boughn	Chambers	Clark
Cope	Cullan	Duis	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Koch	Kremer
R. Lewis	Maresh	Marvel	Maxey	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Stoney	Swigart			

Voting in the negative, 18:

Brennan	Burrows	DeCamp	Fowler	Hefner
Kahle	Keyes	Labedz	Lamb	Luedtke
Marsh	Merz	Reutzel	Savage	Schmit
Simon	Venditte	Warner		

Present and not voting, 3:

Kelly F. Lewis Newell

Excused and not voting, 1:

Carsten

The Stoney amendment was adopted with 27 ayes, 18 nays, 3 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Schmit offered the following amendment:

1. On page 2, add a new section as follows:
"Sec. 5. Council shall mean the Environmental Control Council.".
2. On page 3, line 6 strike "department" and insert "council".
3. On page 4, line 10 strike "director" and insert "council"; and in line 12 after the period insert "Such regulations shall be adopted pursuant to the procedures set forth in subsection (16) of section 81-1505, Revised Statutes Supplement, 1976.".
4. On page 5, line 18 strike "garbage and refuse" and insert "solid wastes".
5. On page 6, line 7 strike "post signs" and insert "cause signs to be posted"; and in line 17, strike "director" and insert "council".
6. On page 7, line 8, strike "director" and insert "council"; in line 15 after "premises" insert "and to maintain the same"; and in line 16 strike "director", and insert "council".
7. Renumber original sections 5 to 31 as sections 6 to 32 respectively.

Mr. Murphy asked unanimous consent to have the Schmit amendment laid over. No objections. So ordered.

Mr. Clark offered the following amendment:
To remove the Fowler amendments from LB 220.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Clark amendment lost with 15 ayes, 18 nays, 15 present and not voting, and 1 excused and not voting.

Mr. Schmit offered the following amendment:

1. On page 9, line 14, strike "only".
2. Insert a new section 25 as follows:
"Sec. 25. For purposes of assisting in the removal and disposal of abandoned automobiles, which create problems

similar to those created by litter, the tax levied by section 23 of this act shall apply to the value of or the gross proceeds of the sale of new and used automobiles.".

3. Renumber original sections 25 to 31 as sections 26 to 32 respectively.

Amendment pending.

Laid over.

LEGISLATIVE BILL 220A. Laid over.

LEGISLATIVE BILL 138. Mr. R. Lewis renewed his pending amendment found in the Journal on page 534 for the Twenty-Seventh Day.

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, 1 excused and not voting.

Mr. R. Lewis offered the following amendment:

1. On page 6, line 7 after "physicians" insert "and one registered nurse"; in line 8 after "physicians" insert ", a consumer,"; in line 9 strike "physician surrogate" and insert "physician's assistant"; and in lines 10 and 11 strike "physician surrogate" and insert "registered nurse".

2. On page 10, line 10 after "person" insert a period and in line 10 strike the comma; strike lines 11 and 12; strike beginning with "Reissued" in line 17 through the period in line 18.

3. Strike original section 12.

4. On page 11, strike beginning with "Except" in line 23 through "any" in line 24 and insert "Any".

5. Renumber original sections 13 through 18 as sections 12 through 17 respectively.

The amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 138A. Mr. R. Lewis offered the following amendment:

To reappropriate unexpended balance on June 30.

Motion:

On page 2, line 6, after "1977." insert "The unexpended balance remaining on June 30, 1977 is hereby reappropriated."

The amendment was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 88. Mrs. Labedz asked unanimous consent to have LB 88 laid over until February 25, 1977. No objections. So ordered.

LEGISLATIVE BILL 118. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 294. E & R amendments found in the Journal on page 527 for the Twenty-Seventh Day were adopted.

Mr. Mills offered the following amendment:
Strike the Schmit General File Amendment adopted February 16, 1977.

Mr. F. Lewis 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 Mills amendment lost with 15 ayes, 22 nays, 11 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

February 18, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 23, 49, 72, 117, and 146.

These bills were signed by me on February 18, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 337 Wednesday, March 2, 1977 2:00 p.m.

(Signed) Richard Maresh, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 266. Placed on General File as amended.
Standing Committee amendments to LB 266:

1. On page 2, in lines 13 and 14, strike "Board of Educational Lands and Funds" and insert "state investment officer".
2. On page 4, line 1, strike "Board of Educational Lands and Funds" and insert "state investment officer".

(Signed) John W. DeCamp, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 92A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 92, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT–Withdraw Motion on LB 20

Mr. Barnett asked unanimous consent to withdraw his pending motion found in the Journal on page 480 for the Twenty-Fourth Day to place LB 20 on General File notwithstanding the committee action. No objections. So ordered.

MOTION–Withdraw LB 470

Mr. Nichol renewed his pending motion found in the Journal on page 539 for the Twenty-Seventh Day to withdraw LB 470 and cancel the hearing date of February 28, 1977.

The motion prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

MOTION—Reconsider Action on LB 191

Mr. Mills moved to reconsider action on the final passage of LB 191.

The motion lost with 11 ayes, 19 nays, 18 present and not voting, and 1 excused and not voting.

MOTIONS—Introduce Bills

Mr. Keyes moved the introduction of a new bill by the Committee on Revenue. (Req. No. 427)

The motion prevailed with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 775)

The motion prevailed with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 502. By Revenue Committee: Keyes, 3rd District, Chairman; Dworak, 22nd District; Burrows, 30th District; Newell, 13th District; Hefner, 19th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 60-412, Revised Statutes Supplement, 1976, relating to motor vehicle operators' licenses; to increase the fee for abstracts of operating records; and to repeal the original section.

LEGISLATIVE BILL 503. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Hefner, 19th District; Maresh, 32nd District; Venditte, 7th District.

A BILL FOR AN ACT to amend section 81-263.53, Reissue Revised Statutes of Nebraska, 1943, and section 54-715, Revised Statutes Supplement, 1976, relating to cattle; to increase indemnity payments for the slaughtering of cattle affected with tuberculosis; to change brucellosis and tuberculosis testing requirements for dairy herds; to repeal the original sections; and to declare an emergency.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 45. Placed on General File.
LEGISLATIVE BILL 46. Placed on General File.
LEGISLATIVE BILL 98. Placed on General File.
LEGISLATIVE BILL 304. Placed on General File.
LEGISLATIVE BILL 12. Indefinitely Postponed.
LEGISLATIVE BILL 94. Indefinitely Postponed.
LEGISLATIVE BILL 458. Indefinitely Postponed.

(Signed) Dennis L. Rasmussen, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 93. Placed on General File.

(Signed) Don Dworak, Charman

MOTION–Return LB 30 to Select File

Mr. Maresh moved to return LB 30 to Select File for the following specific amendment:
"Strike $24 and insert $20"

The Chair ruled the motion a reconsideration and out of order.

Mr. Maresh moved to return LB 30 to Select File for the following specific amendment:
Strike "$24" and insert "$21.00"

Mr. Simon 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. Maresh moved for a Call of the House. The motion prevailed with 22 ayes, 6 nays, and 21 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Boughn	Clark	Cope	DeCamp
Duis	Hasebroock	Hefner	Kahle	Kelly
Kremer	Labedz	Lamb	R. Lewis	Maresh
Marsh	Merz	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 21:

Bereuter	Brennan	Burrows	Chambers	Cullan
Dworak	Fitzgerald	Fowler	George	Goodrich
Keyes	Koch	F. Lewis	Luedtke	Marvel
Maxey	Mills	Newell	Reutzel	Schmit
Simon				

Excused and not voting, 1:

Carsten

The Maresh motion to return LB 30 to Select File prevailed with 27 ayes, 21 nays, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 30. The Maresh pending amendment found in this day's Journal was renewed.

MR. MARVEL PRESIDING

Mr. Savage moved the Call be raised. The motion prevailed with 30 ayes, 5 nays, and 14 not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Mr. Maresh moved for a Call of the House. The motion prevailed with 22 ayes, 17 nays, and 10 not voting.

Mr. Maresh requested a roll call vote on the amendment.

Voting in the affirmative, 24:

Barnett	Boughn	Cope	Duis	Hasebroock
Hefner	Kahle	Kelly	Kremer	Labedz
Lamb	R. Lewis	Maresh	Marsh	Merz
Moylan	Murphy	Nichol	Rasmussen	Rumery
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 24:

Bereuter	Brennan	Burrows	Chambers	Clark
Cullan	DeCamp	Dworak	Fitzgerald	Fowler
George	Goodrich	Keyes	Koch	F. Lewis
Luedtke	Marvel	Maxey	Mills	Newell
Reutzel	Savage	Schmit	Simon	

Excused and not voting, 1:

Carsten

The Maresh amendment lost with 24 ayes, 24 nays, and 1 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 137. Placed on General File as amended.
Standing Committee amendment to LB 137:
1. On page 2, line 22, strike "employee" and insert "payee".

(Signed) Dennis L. Rasmussen, Chairman

Urban Affairs

LEGISLATIVE BILL 374. Placed on General File as amended.
Standing Committee amendment to LB 374:
On page 2, line 7, strike the new matter and reinstate the stricken matter; strike the new matter in lines 12 and 13; and in line 12, after the comma, insert "including those motor carriers for hire which may carry elderly or handicapped individuals for a set fare, a donation, or at no cost to such individuals,".

(Signed) Walter George, Chairman

NOTICE OF COMMITTEE HEARING
Judiciary

LB 497 Wednesday, March, 2, 1977 2:00 p.m.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT–Members Excused

Mr. Marvel asked unanimous consent to be excused at 11:30 a.m. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

MOTION—Return LB 30 to Select File

Mr. Schmit moved to return LB 30 to Select File for specific amendment (Amendments printed separate from the Journal and on file in the Clerk's office. Req. No. 2505.)

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 21:

Boughn	Brennan	Chambers	Clark	DeCamp
Duis	Fitzgerald	Fowler	George	Goodrich
Keyes	Koch	F. Lewis	Maxey	Murphy
Newell	Reutzel	Savage	Schmit	Simon
Warner				

Voting in the negative, 25:

Bereuter	Cope	Cullan	Dworak	Hasebroock
Hefner	Kahle	Kelly	Kremer	Labedz
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Merz	Mills	Moylan	Nichol
Rasmussen	Rumery	Stoney	Swigart	Venditte

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Barnett Carsten

The Schmit motion to return LB 30 to Select File lost with 21 ayes, 25 nays, 1 present and not voting, and 2 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

SPEAKER LUEDTKE PRESIDING

MOTION–Return LB 30 to Select File

Mr. Mills moved to return LB 30 to Select File for the following specific amendment:

Strike $24 insert $20. On January 1st 1979 removes the tax on food completely and eliminate any further tax credit.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

The Chair ruled the Koch motion in order after he had just made a statement on the floor.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 12 ayes, 25 nays, and 12 not voting.

The Chair was sustained.

Mr. Chambers requested a roll call vote on closing debate.

Voting in the affirmative, 28:

Bereuter	Clark	Cope	DeCamp	George
Goodrich	Hasebroock	Hefner	Kahle	Koch
Kremer	Labedz	Lamb	R. Lewis	Luedtke
Maresh	Marsh	Merz	Moylan	Newell
Rasmussen	Reutzel	Rumery	Savage	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 10:

Brennan	Chambers	Cullan	Duis	Fitzgerald
Fowler	Keyes	Mills	Murphy	Nichol

Present and not voting, 8:

Boughn	Burrows	Dworak	Kelly	F. Lewis
Maxey	Schmit	Simon		

Excused and not voting, 3:

Barnett	Carsten	Marvel

The motion prevailed with 28 ayes, 10 nays, 8 present and not voting, and 3 excused and not voting.

The Mills motion to return LB 30 to Select File lost with 5 ayes, 29 nays, 12 present and not voting, and 3 excused and not voting.

MOTION—Return LB 30 to Final Reading

Mr. F. Lewis moved to return LB 30 to Final Reading.

The motion prevailed with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT—Consider LB 410

Mr. Rasmussen asked unanimous consent to consider LB 410 on General File at this time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 410. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Mr. Rasmussen asked unanimous consent to expedite LB 410. No objections. So ordered.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:

1. On page 12, strike beginning with "director" in line 12 through "examiners" in line 13, and insert "Director of Motor Vehicles"; and strike beginning with "the" in line 24 through "director" in line 26, and insert "an examiner of the Department of Motor Vehicles".

LEGISLATIVE BILL 277. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT – Member Excused

Mr. Fitzgerald asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 11. Read and Considered.

LR 11 was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT – Member Excused

Mr. Kelly asked unanimous consent to be excused Friday, February 25, 1977. No objections. So ordered.

UNANIMOUS CONSENT – Print in Journal

Mr. Venditte asked unanimous consent to print the following amendment to LB 182 in the Journal. No objections. So ordered.

Amendments to LB 182

1. Insert a new section 1 as follows:

"Section 1. The Legislature finds that waste disposal and the control of such disposal facilities are important to the daily lives of all Nebraskans. This act is intended to provide a means for the protection of health and the environment.".

2. On page 2, strike beginning with the comma in line 10 through the period in line 11, and insert "balefill site, dump site, and landfill site; and

(3) City shall mean any city of the metropolitan class.".

3. On page 2, strike beginning with "at" in line 15 through "facility" in line 16; and in line 21, after "No", insert "solid waste disposal".

4. Insert three new sections as follows:

"Sec. 4. Any solid waste disposal facility in operation as of the effective date of this act which does not comply with the provisions of this act shall cease operation until such facility complies with such provisions.

Sec. 5. Any city or county violating any of the provisions of this act shall, upon conviction thereof, be fined one thousand dollars per day for each day the violation continues.

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.".

VISITORS

The President introduced Marge Young, Lincoln; 100 League of Women Voters of Nebraska; 35 state and local government students, teacher and instructor from Northeast Technical Community College, Norfolk; 11 students and instructors from Kearney State College Reporting Class; 17 10th, 11th and 12th grade students and teacher from the Beatrice High School Political Science Class.

ADJOURNMENT

At 12:08 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, February 23, 1977.

Vincent D. Brown
Clerk of the Legislature

TWENTY-NINTH DAY—FEBRUARY 23, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 23, 1977

Pursuant to adjournment, the Legislature met at 9:00 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 Messrs. Carsten, Reutzel, and R. Lewis who were excused; Messrs. Schmit, George, Duis, and Mrs. Labedz who were excused until they arrive; and Mr. Newell who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Eighth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused Thursday, February 24, 1977. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 410. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 427. Placed on General File as amended.
Standing Committee amendments to LB 427:

1. On page 2, insert a new subsection (2) as follows:

"(2) No vehicle may operate within the tolerance permitted in subdivision (c) of subsection (1) of this section until a permit therefor has been issued by the Department of Roads. The permit shall be a permit issued to the owner or operator of a vehicle and shall state any locations in this state in which it shall be invalid. Each such permit shall be valid for the calendar year in which it is issued. Such permit shall be carried in the vehicle whenever the tolerance is being used."; and in line 15 strike "(2)" and insert "~~(2)~~ (3)".

2. Insert 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.".

LEGISLATIVE BILL 472. Placed on General File as amended.
Standing Committee amendment to LB 472:

1. On page 2, line 24 after "79-488" insert ", implements of husbandry subject to section 60-333,".

(Signed) Maurice A. Kremer, Chairman

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 159	Wednesday, March 2, 1977	2:00 p.m.
LB 476	Wednesday, March 2, 1977	2:00 p.m.
LB 483	Wednesday, March 2, 1977	2:00 p.m.

(Signed) Walter George, Chairman

Committee on Committees

The Committee on Committees will meet at 12:00 noon, Thursday, February 24, 1977, in the Legislative Council Hearing Room, Room 2102, State Capitol, Lincoln, Nebraska, for the purpose of hearing the following reappointment by Governor J. J. Exon:

DONALD W. DROUD

201 North 20th St., Lincoln, Nebraska, reappointment to the Motor Vehicle Industry Licensing Board.

(Signed) John S. Savage, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to civil rights; to provide civil remedies for deprivation of rights.

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Chambers
Cope	Cullan	DeCamp	Dworak	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Lamb
F. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Nichol	Rasmussen
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 4:

Burrows	Clark	Marvel	Murphy

Absent and not voting, 1:

Newell

Excused and not voting, 7:

Carsten	Duis	George	Labedz	R. Lewis
Reutzel	Schmit			

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

SELECT FILE

LEGISLATIVE BILL 410. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 129. E & R amendment found in the Journal on page 545 for the Twenty-Eighth Day was adopted.

Mr. Lamb offered the following amendment.

1. On page 2, line 8 after the comma insert "three dollars for three day fishing permits,".

Mr. Lamb moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Lamb requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Bereuter	Boughn	Brennan	Burrows
Clark	Cope	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Lamb	Luedtke
Maresh	Marsh	Maxey	Merz	Moylan
Murphy	Nichol	Rumery	Savage	Stoney
Swigart	Venditte			

Voting in the negative, 12:

Cullan	Dworak	Fitzgerald	Fowler	Koch
Labedz	F. Lewis	Marvel	Mills	Rasmussen
Simon	Warner			

Present and not voting, 3:

CDeCamp Kremer

Absent and not voting, 1:

Newell

Excused and not voting, 6:

Carsten	Duis	George	R. Lewis	Ruetzel
Schmit				

The amendment was adopted with 27 ayes, 12 nays, 3 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. F. Lewis moved to Indefinitely Postpone.

Motion pending.

LEGISLATIVE BILL 255. E & R amendment found in the Journal on page 545 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 155. E & R amendment found in the Journal on page 545 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 183. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 60. E & R amendment found in the Journal on page 545 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 179. Mr. Koch renewed his pending amendment found in the Journal on page 524 for the Twenty-Sixth Day.

The amendment lost with 19 ayes, 15 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 179A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 29. E & R amendments found in the Journal on page 545 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 475. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 477. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 357. E & R amendment found in the Journal on page 546 for the Twenty-Eighth Day was adopted.

Mr. Keyes offered the following amendment:
page 5, line 9, after "facility" insert "I".
page 5, line 17, after "facility" insert "I"

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 389. E & R amendment found in the Journal on page 546 for the Twenty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 389A. Advanced to E & R Engrossment.

LEGISLATIVE BILL 443. E & R amendments found in the Journal on page 546 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 95. E & R amendments found in the Journal on page 547 for the Twenty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 23, 1977, at 9:15 a.m., were the following bills: 10, 119, 167, 191, and 237.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 410.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce, and Insurance

LEGISLATIVE BILL 265. Placed on General File as amended.
Standing Committee amendment to LB 265:

1. On page 3, line 10 after "officer" insert "on the bonds and all signatures on coupons may be facsimiles".

LEGISLATIVE BILL 290. Placed on General File as amended.
Standing Committee amendments to LB 290:

1. Strike the original sections and insert the following:

"Section 1. That section 1-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-114. The certificate of certified public accountant shall be granted by the board to any person (1) who is a resident of this state or has a place of business therein or, as an employee, is regularly employed therein, (2) who has attained the age of twenty-one years, (3) who is of good moral character, and ~~(4) who has had four years of public accounting experience, satisfactory to the board, in any state, in practice as a certified public accountant or as a public accountant, or, in any state, in employment as a staff accountant by anyone practicing public accounting, or any combination of either of such types of experience; Provided, that graduation from a college or university of recognized standing shall be considered as the equivalent of two years of the public accounting experience required by this section, or who has had experience gained through employment by the federal government as a special agent or an internal revenue agent in the Internal Revenue Service and who holds a degree from a college or university of recognized standing and is certified by a District Director of Internal Revenue as having at least three and one half years of field experience as a special agent or internal revenue agent, and (5)~~ (4) who shall have passed a written examination in theory of accounts, in accounting practice, in auditing, and in such other related subjects as the board shall determine to be appropriate.

Sec. 2. That section 1-115, Revised Statutes Supplement, 1976, be amended to read as follows:

1-115. The examinations described in subdivision ~~(5)~~ (4) of section 1-114 shall be held by the board and shall take place as often as the board shall determine to be desirable, but the examinations described in subdivision ~~(5)~~ (4) of section 1-114 shall be held not less frequently than once each year. The board may make such use of all or any part of the Uniform Certified Public Accountants' Examination or Advisory Grading Service, or either of them, as it deems appropriate to assist it in performing its duties hereunder.

Sec. 3. That section 1-117, Revised Statutes

Supplement, 1976, be amended to read as follows:

1-117. A candidate for the certificate of certified public accountant possessing the qualifications specified in subdivisions (1), (2), and (3) of section 1-114 and who has successfully completed the examination provided in subdivision ~~(5)~~ (4) of section 1-114 shall ~~have no status as a certified public accountant unless and until he has the requisite experience and also has received his~~ be granted a certificate as a certified public accountant, but such candidate shall not have any status as a certified public accountant unless and until he has the requisite experience required by section 8 of this act.

Sec. 4. That section 1-118, Revised Statutes Supplement, 1976, be amended to read as follows:

1-118. The board may by regulation prescribe the terms and conditions under which a candidate who passes the examination in one or more of the subjects indicated in subdivision ~~(5)~~ (4) of section 1-114 may be reexamined in only the remaining subjects, with credit for the subjects previously passed. It may also provide by regulation for a reasonable waiting period for a candidate's reexamination in a subject he has failed. Subject to the foregoing and such other regulations as the board may adopt governing reexaminations, a candidate shall be entitled to any number of reexaminations under the provisions of subdivision ~~(5)~~ (4) of section 1-114.

Sec. 5. That section 1-119, Revised Statutes Supplement, 1976, be amended to read as follows:

1-119. The board shall charge each candidate a fee, to be determined by the board, not in excess of one hundred dollars for the initial examination provided for in subdivision ~~(5)~~ (4) of section 1-114.

Sec. 6. That section 1-120, Revised Statutes Supplement, 1976, be amended to read as follows:

1-120. Fees for reexaminations under the provisions of subdivision ~~(5)~~ (4) of section 1-114 shall also be charged by the board in amounts determined by it, but not in excess of twenty-five dollars for each subject in which the candidate is reexamined.

Sec. 7. That section 1-124, Revised Statutes Supplement, 1976, be amended to read as follows:

1-124. The board may, in its discretion, waive the examination under the provisions of subdivision ~~(5)~~ (4) of section 1-114, and may issue a certificate as a

certified public accountant to any person possessing the qualifications specified in subdivisions (1), (2), and (3) of section 1-114 and what the board determines to be substantially the equivalent of the applicable qualifications under ~~the provisions of subdivision (4) of section 1-114~~ section 8 of this act, who is the holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any state, or is the holder of a certificate, license, or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect. The board shall charge each person obtaining a certificate under this section a fee to be determined by the board, but such fee shall not be in excess of one hundred dollars.

Sec. 8. The board shall not issue a permit under section 1-136 to any holder of a certificate of certified public accountant until such holder has had four years of public accounting experience, satisfactory to the board, in any state, in practice as a certified public accountant or as a public accountant, or, in any state, in employment as a staff accountant by anyone practicing public accounting, or any combination of either of such types of experience; Provided, that graduation from a college or university of recognized standing shall be considered as the equivalent of two years of the public accounting experience required by this section, or who has had experience gained through employment by the federal government as a special agent or an internal revenue agent in the Internal Revenue Service and who holds a degree from a college or university of recognized standing and is certified by a District Director of Internal Revenue as having at least three and one half years of field experience as a special agent or internal revenue agent.

Sec. 9. That section 1-136, Revised Statutes Supplement, 1976, be amended to read as follows:

1-136. Permits to engage in the practice of public accounting in this state shall be issued by the board to persons who are holders of the certificate of certified public accountant issued under the provisions of section 1-114 to 1-124 and who have met the experience requirement of section 8 of this act and to persons and partnerships registered under the provisions

of sections 1-125 to 1-133 and the corporations registered under the provisions of section 1-134; Provided, all offices of such certificate holder or registrant are maintained and registered as required under the provisions of Section 1-135. There shall be an annual permit fee in an amount to be determined, from time to time, by the board, not to exceed fifty dollars. All permits shall expire on the last day of December of each year and may be renewed annually for a period of one year by certificate holders and registrants in good standing upon payment of an annual renewal fee of not to exceed fifty dollars. Failure of a certificate holder or registrant to apply for such annual permit to practice within (1) three years from the expiration date of the permit to practice last obtained or renewed or (2) three years from the date upon which the certificate holder or registrant was granted his certificate or registration if no permit was ever issued to him, shall deprive him of the right to renewal, unless the board, in its discretion, determines such failure to have been due to excusable neglect. In such case the renewal fee or the fee for the issuance of the original permit as the case may be shall be such amount as the board shall from time to time determine, but not in excess of fifty dollars. Any certificate holder or registrant, who has not lost his right to issuance or renewal and who is not actively engaged in the practice of public accounting in this state, may file a written application with the board to be classified as inactive. A person so classified shall not be issued a permit to engage in public accounting, nor be deemed the holder of a live permit as defined in section 1-151, but shall be carried upon an inactive roll to be maintained by the board, upon the payment of an annual inactive fee of one half the fee charged persons actively engaged in the practice of public accounting as provided in this section. A person so classified shall not be deprived of the right to issuance or renewal of permit and may, upon application to the board, and upon payment of the current annual permit fee, be granted a current annual permit. Every permitholder shall furnish a corporate bond in the amount of fifty thousand dollars, conditioned for the payment of any judgment or judgments which may be assessed against such person because of any act of negligence or any incompetency of such person occurring while he is the holder of such permit; Provided, that the aggregate liability of the surety for

all such judgments shall in no event exceed the amount of such bond. In lieu of such fifty thousand dollar bond, such permitholder may file a certification from an insurance carrier that such permitholder is insured, as an individual or a member of a partnership, under an accountancy liability policy in an equal or greater amount, except that any such insurance policy may provide for a deductible clause not exceeding one thousand dollars. If any such bond or insurance shall by its terms expire, or if it is canceled by the surety or insurer, the surety or insurer shall within ten days thereafter give notice of such cancellation to the official issuing such permits, who shall thereupon notify, by mail, the holder of such permit whose bond or insurance has so expired or been canceled, that he may no longer act under the authority of such permit.

Sec. 10. That original section 1-114, Reissue Revised Statutes of Nebraska, 1943, and sections 1-115, 1-117, 1-118, 1-119, 1-120, 1-124, and 1-136, Revised Statutes Supplement, 1976, are repealed.".

LEGISLATIVE BILL 333. Placed on General File.
LEGISLATIVE BILL 334. Placed on General File.

LEGISLATIVE BILL 335. Placed on General File as amended.
Standing Committee amendment to LB 335:

1. On page 2, line 15, strike "one-year" and insert three-year".

LEGISLATIVE BILL 336. Placed on General File.
LEGISLATIVE BILL 225. Indefinitely postponed.

(Signed) John W. DeCamp, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 12. Read and considered.

LR 12 was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 182 Considered.

Mr. Venditte asked unanimous consent to withdraw his pending amendment found in the Journal on page 521 for the Twenty-Sixth Day. No objections. So ordered.

Mr. Venditte renewed the pending amendment found in the Journal on page 561 for the Twenty-Eighth Day.

Mr. F. Lewis offered the following amendment to the Venditte amendment:

Add new section "7" and renumber. No solid waste disposal facility of a city of a metropolitan class shall be established in any county of the state except in the county of the metropolitan city, unless the residents of any other county shall vote to allow the establishment of the waste disposal facility.

The amendment was adopted with 17 ayes, 16 nays, 11 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to the Venditte amendment:

"No balefill shall be located within 4 miles of a sewage treatment plant in a Metropolitan city."

The amendment lost with 12 ayes, 17 nays, 15 present and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendment:

1. In the Venditte amendment, line 9, strike "; and", insert a period, and strike lines 10 and 11.

Mr. Chambers asked unanimous consent to have the bill laid over until March 21, 1977.

Speaker Luedtke objected.

Mr. Chambers moved to lay LB 182 over until March 21, 1977.

Mr. Chambers moved for a Call of the House. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 26:

Bereuter	Boughn	Brennan	Burrows	Chambers
Cope	Cullan	DeCamp	Dworak	Fitzgerald
Fowler	George	Hasebroock	Keyes	Kremer
Labedz	Maresh	Maxey	Moylan	Murphy
Newell	Nichol	Rumery	Savage	Swigart
Venditte				

Voting in the negative, 17:

Barnett	Clark	Goodrich	Hefner	Kahle
Kelly	Lamb	F. Lewis	Luedtke	Marsh
Marvel	Merz	Mills	Rasmussen	Simon
Stoney	Warner			

Present and not voting, 2:

Duis	Koch

Excused and not voting, 4:

Carsten	R. Lewis	Reutzel	Schmit

The motion to hold over LB 182 until March 21, 1977 prevailed with 26 ayes, 17 nays, 2 present and not voting, and 4 excused and not voting.

FISCAL IMPACT BILLS

Mr. Warner reported to the members that information has been distributed to members on fiscal impact bills.

Mr. Brennan moved the Call be raised. The motion prevailed with 32 ayes, 1 nay and 16 not voting.

ANNOUNCEMENT

Mr. Dworak announced an executive session, Friday, February 25, 1977 at 1:30 p.m. of the Miscellaneous Subjects Committee.

NOTICE OF COMMITTEE HEARING
Revenue

LB 502 Wednesday, March 2, 1977 2:00 p.m

(Signed) Orval Keyes, Chairman

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 114. Placed on General File.
LEGISLATIVE BILL 400. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

Urban Affairs

LEGISLATIVE BILL 152. Placed on General File as amended.
Standing Committee amendments to LB 152:

1. On page 2, strike the new language in lines 4 and 5.

2. On page 2, line 11 after the period insert "Such audit shall be made on a cash or accrual method at the discretion of the municipality.".

3. On page 3, line 4 after "utility" insert "or other enterprise which substantially generates its own revenue"; in line 8 after "basis" insert "and shall contain statements and materials which conform to generally accepted accounting principles"; and in line 22 after "fund" insert "or group of accounts" and after the period insert "Where the accrual method is selected for the annual audit report, such report shall be in accordance with generally accepted accounting principles.".

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendment to LB 173:
1. On page 2, line 4 after "annexation" insert ", except that this section shall not apply to county roads separating counties".

LEGISLATIVE BILL 190. Placed on General File.
LEGISLATIVE BILL 203. Placed on General File.
LEGISLATIVE BILL 340. Placed on General File.

(Signed) Walter George, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 230 in the Journal. No objections. So ordered.

1. On page 12, after line 9, insert:

"(3) The operator of a snowmobile shall not be required to hold a motor vehicle operator's license.".

MOTIONS—Introduce Bills

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor. (Req. No. 794)

The motion prevailed with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor. (Req. No. 795)

The motion prevailed with 31 ayes, 1 nay, 13 present and not voting, and 4 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 504. By Business and Labor Committee: Maresh, 32nd District, Chairman; Rasmussen, 41st District; Lamb, 43rd District; Brennan, 9th District; Fitzgerald, 14th District; Murphy, 17th District; F. Lewis, 45th 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 505. By Business and Labor Committee: Maresh, 32nd District, Chairman; Rasmussen, 41st District; Lamb, 43rd District; Brennan, 9th District; Fitzgerald, 14th District; Murphy, 17th District; F. Lewis, 45th District.

A BILL FOR AN ACT to disallow certain claims against the state.

MR. SAVAGE PRESIDING

GENERAL FILE

LEGISLATIVE BILL 103. Title read. Considered.

Standing Committee amendment found in the Journal on page 376 for the Eighteenth Day lost with 14 ayes, 16 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Moylan offered the following amendment:
Section 3, Page 4, Line 9:
Delete period following word "equivalent". Insert comma following word "equivalent" and add phrase "except that products designated as controlled substances of schedules one and two shall not be interchanged."

The amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Kelly renewed his pending amendments found in the Journal on page 435 for the Twenty-First Day.

Mr. Kelly requested a division of the question on his amendments as follows:
Division 1 – Line 1 thru "pharmacist" in line 15.
Division 2 – remainder of line 15 thru line 23.
Division 3 – line 24 thru line 27.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 10 nays, and 18 not voting.

Mr. Kelly asked unanimous consent to withdraw division 1 of his amendments. No objections. So ordered.

Division 2 and 3 of the Kelly amendments pending.

CANCELLATION OF COMMITTEE HEARING
Appropriations

Agency Hearing, Legislative Council (cancel) March 2, 1977 2:00 p.m.

(Signed) Jerome Warner, Chairman

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 504	Wednesday, March 2, 1977	2:00 p.m.
LB 505	Wednesday, March 2, 1977	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 90A. By Goodrich, 20th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-fifth Legislature, First Session, 1977.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 33. Placed on General File as amended.
Standing Committee aamendments to LB 33:
1. On page 5, line 11 strike "county" and
insert "~~county~~ school district"; in line 13 strike
"federal decennial census" and show as stricken and

insert "school district census taken in June of the year preceding the year the payment is made, which census has been approved by the county superintendent"; in line 15 strike "in the county" and show as stricken; in line 23 after "any" insert "qualifying"; and in line 24 strike "within a qualifying county" and show as stricken.

(Signed) Frank Lewis, Chairman

VISITORS

The President introduced 15 twelve and fifteen year old students and 4 instructors from Omaha, Nebraska; Betty Ayres and her children, Deb and Jim, relatives of Senator Cope; 48 Nebraska Federation Democratic Women from Burt, Washington, Douglas, Sarpy, and Cass Counties; Messrs. Stanislaw Kaj, Chairman, Union of Socialist Students Committee for International Cooperation, Posnan, Poland; Miroslaw Wyrzykowski, Adjunct Professor of Law, Warsaw University, Poland; and Brooks Michel, Escort Officer, U.S. Dept. of State.

ADJOURNMENT

At 11:58 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, February 24, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTIETH DAY–FEBRUARY 24, 1977

LEGISLATIVE JOURNAL

THIRTIETH DAY–FEBRUARY 24, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 24, 1977

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 Mr. R. Lewis who was excused and Messrs. F. Lewis and Simon who were excused until they arrive and Mr. Koch who was absent until 10:00 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Twenty-Ninth Day was approved.

UNANIMOUS CONSENT–Members Excused

Mr. Koch asked unanimous consent to be excused Friday, February 25, 1977 and Monday, February 28, 1977. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused until he arrives Friday, February 25, 1977. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 294. Replaced on Select File as amended.
E & R amendment to LB 294:
1. At the end of line 4 of the title, as amended, insert "to delete a minimum salary provision;".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendment to LB 58:
1. On page 3, line 3, strike "and fifty cents" and insert "~~fifty cents~~".

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendment to LB 259:
1. On page 3, strike beginning with "administer" in line 1 through "may" in line 4.

(Signed) John W. DeCamp, Chairman

MOTION–Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. No. 800)

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, 1 absent and not voting, and 3 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 506. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Swigart, 8th District; Murphy, 17th District; Duis, 39th District; Mills, 44th District; Labedz, 5th District.

A BILL FOR AN ACT relating to banking; to provide that banks may engage in the business of leasing personal property; and to provide duties of the Director of Banking and Finance.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to rules of the road; to designate parking spaces for paraplegics and other handicapped persons as prescribed; to provide for the removal of unauthorized vehicles; to provide for identification cards as prescribed; to provide a fee; to provide for rules and regulations; 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, 43:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Murphy Venditte

Absent and not voting, 1:

Koch

Excused and not voting, 3:

F. Lewis R. Lewis Simon

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

LEGISLATIVE BILL 115.

A BILL FOR AN ACT to amend sections 71-4802 and 71-4804, Revised Statutes Supplement, 1976, relating to the Uniform Anatomical Gift Act; to change the age of persons who may execute anatomical gifts; to provide for the execution of anatomical gifts through motor vehicle operators' licenses; to provide duties of the county treasurers and the Director of Motor Vehicles; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Stoney	Swigart	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Absent and not voting, 1:

Koch

Excused and not voting, 3:

F. Lewis R. Lewis Simon

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

LEGISLATIVE BILL 231. With Emergency.

A BILL FOR AN ACT to amend section 50-102, Reissue Revised Statutes of Nebraska, 1943, relating to the Legislature; to provide that the Legislature may waive the requirement of organizing a credentials committee, as prescribed; to provide for changes by the Clerk of the Legislature; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Rasmussen Venditte

Absent and not voting, 1:

Koch

Excused and not voting, 3:

F. Lewis R. Lewis Simon

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

GENERAL FILE

LEGISLATIVE BILL 264. Title read. Considered.

Laid over at the request of Mr. DeCamp.

LEGISLATIVE BILL 224. Title read. Considered.

Advanced to E & R for Review with 35 ayes, 0 nays, 11 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 81. Title read. Considered.

Standing Committee amendments found in the Journal on page 387 for the Ninteenth Day were adopted with 27 ayes, 0 nays, 19 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 509 for the Twenty-Fifth Day.

Amendment pending. Laid over.

LEGISLATIVE BILL 399. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 401. Title read. Considered.

Mr. Clark offered the following amendment:
To amend LB 401 in Line 3 after in strike 1978 and insert 1977 - Add the emergency clause.

The amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Mr. Mills offered the following amendment:
Change shall to may on Pg 2 Line 2

Amendment pending. Laid over.

UNANIMOUS CONSENT—Print in Journal

Mr. Carsten asked unanimous consent to print any amendments pending to LB 81 in the Journal. No objections. So ordered.

Amendment to LB 81 by Chambers
Page 6 strike all of penalty language and insert instead: "$15.00"

Amendment to LB 81 by Kelly
Page 7, line 1 after "operation" insert Capital improvements not to exceed 5,000 dollars

GENERAL FILE

LEGISLATIVE BILL 268. Title read. Considered.

Advanced to E & R for Review with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 308. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 180. Title read. Considered.

Laid over.

LEGISLATIVE BILL 314. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
502	Banking	504	Bus. & Labor
503	Agric. & Env.	505	Bus. & Labor

(Signed) Richard D. Marvel, Jack Mills, Steve Fowler, Roland Luedtke, William E. Nichol, John S. Savage, Douglas Bereuter, Larry D. Stoney.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 1:45 p.m. today in the East Lounge.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 60, 118, 138, 138A, 155, 172, 179, 179A, 183, 255, and 477.

Correctly Enrolled

The following bill was correctly enrolled: 66.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature, was in session and capable of transacting business, the President signed the following: LB 66 and LR 11.

SELECT FILE

LEGISLATIVE BILL 220.

Mr. Schmit renewed his first pending amendments found in the Journal on page 550.

The amendments were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Schmit renewed his second pending amendment found in the Journal on page 550 and 551.

The amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Schmit offered the following amendment:

1. On page 10, line 27, after the period
insert "The department may also allocate funds to
political subdivisions for development of solid
waste disposal sites and development of programs
to encourage the recycling of all reusable material.".

The amendment was adopted with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Cullan moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 220A. Laid over.

MOTION–Return LB 389A to Select File

Mrs. Maxey moved to return LB 389A to Select File for the following specific amendment:

On Line 5, where it reads "Program 284", strike the 8 in "284" and insert a "9" to read "Program 294".

The motion prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389A. The Maxey specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 22 present and not voting, 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 389 to Select File

Mr. Nichol moved to return LB 389 to Select File for the following specific amendment:

On page 3, line 7 strike "forty" and insert "thirty"

The motion prevailed with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389. The Nichol specific amendment found in this day's Journal was adopted with 26 ayes, 1 nay and 22 not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 13.

Introduced by Carsten, 2nd District.

WHEREAS, the distressed agricultural industry of Cass and Otoe County has suffered from 3 years of drought; and

WHEREAS, ample supplies of water in the adjacent Missouri River are not being utilized for agriculture; and

WHEREAS, many acres of irrigable lands in Cass and Otoe Counties would benefit from such unused water; and

WHEREAS, there is strong local support for the creation of an irrigation district and the development of a project to pump water from the Missouri River; and

WHEREAS, the Bureau of Reclamation must have authorization and funding to conduct an appraisal study of an irrigation project; and

WHEREAS, the Congress will consider the USDI, Bureau of Reclamation budget forthwith.

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

1. That the Legislature supports the development of an irrigation project in Cass and Otoe Counties.

2. That the Legislature urges the Congress of the United States and the respective Appropriations Committees thereof to authorize the Bureau of Reclamation to conduct an appraisal study of such irrigation project and appropriate sufficient funds therefore.

Laid over.

SELECT COMMITTEE REPORTS
Committee on Committees

February 18, 1977

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.

Marjorie Hartnett – Special Education Appeal Board

Senators Frank Lewis and Gerald Koch appeared in support of Mrs. Hartnett. Senator Murphy also appeared in support of Mrs. Hartnett. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. J. E. Clemens – Manufactured Housing Advisory Board

No one appeared in support and no one appeared in opposition to Mr. Clemans' appointment.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Melvin Auch – Manufactured Housing Advisory Board

No one appeared in support of Mr. Auch and no one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mrs. Polly Feis – Special Education Appeal Board

Senator Koch appeared in support of Mrs. Feis' appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. William Fenton – Manufactured Housing Advisory Board

Senator Dworak appeared in support of Mr. Fenton's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mrs. Jane Gilmore – Nebraska Arts Council

Senator Savage appeared in support of Mrs. Gilmore's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. Robert B. Kramer – Motor Vehicle Industry Licensing Board

No one appeared in support and no one appeared in opposition to Mr. Kramer's reappointment.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. Bennard W. Preis – Manufactured Housing Advisory Board

No one appeared in support and no one appeared in opposition to Mr. Preis' appointment.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused:

(5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Against: None.

Mr. Clifford B. Dudley – Manufactured Housing Advisory Board

Senator Labedz appeared in support of Mr. Dudley's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. Ted Reeder – Manufactured Housing Advisory Board

Senator Moylan, Senator Labedz and Senator Savage appeared in support of Mr. Reeder. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. Charles L. Thomsen – Manufactured Housing Advisory Board

No one appeared in support and no one appeared in opposition to Mr. Thomsen.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

Mr. Clifford Williams
Advisory Commission to Department of Economic Development

No one appeared in support and no one appeared in opposition to Mr. Williams' appointment.

Committee Vote: For: (8) Senators Cope, Dworak, Koch, Labedz, Mills, Moylan, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Lewis, Marsh, and Rasmussen. Absent: None.

February 21, 1977

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.

Mrs. Mary Carey
Nebraska Coordinating Commission, Post Secondary Education

No one appeared in support and no one appeared in opposition to Mrs. Carey's appointment.

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

Mr. Henry J. Purdie – Environmental Control Council

No one appeared in support and no one appeared in opposition to Mr. Purdie's appointment.

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

Mr. Sam Jensen
Nebraska Coordinating Commission for Post Secondary Education

Senators, Marsh, Cope, Moylan, Koch and Savage appeared in support of Mr. Jensen's appointment. No one appeared in opposition.

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, Savage. Against: None. Not Voting: None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

Mr. George Miller
Nebraska Coordinating Commission for Post Secondary Education

Senators F. Lewis, Koch and Savage appeared in support of Mr. Miller's appointment. No one appeared in opposition.

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, and Savage. Against: None. Not Voting:

None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

Mr. Ramey Whitney
Nebraska Coordinating Commission for Post Secondary Education

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

Mr. Walter R. Louis
Motor Vehicle Industry Licensing Board

Senator Savage appeared in support of Mr. Louis' reappointment. No one appeared in opposition.

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

Mr. Dale Sailors
Motor Vehicle Industry Licensing Board

No one appeared in support and no one appeared in opposition to Mr. Sailors' reappointment.

Committee Vote: For: (9) Senators Marsh, Burrows, F. Lewis, Koch, Moylan, Dworak, Cope, Mills, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Labedz, DeCamp, Murphy, and Rasmussen. Absent: None.

February 23, 1977

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.

Mr. Marvin E. Jewell – Public Employees Retirement Board

Senator F. Lewis appeared in support of Mr. Jewell's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Labedz, Moylan, Dworak, Murphy, Mills, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Marsh, F. Lewis, Koch, and Cope. Absent: Senator DeCamp.

Mr. Howard L. Burdick
Public Employees Retirement Board

Senator Dworak appeared in support of Mr. Burdick's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Labedz, Moylan, Dworak, Murphy, Mills, Rasmussen, and Savage. Against: None. Not Voting: None. Excused (4) Senators Marsh, F. Lewis, Koch, and Cope. Absent: Senator DeCamp.

Mr. Ray R. Young
Public Welfare, Institutions and Corrections Advisory Committee

Senator Burrows appeared in support of Mr. Young's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Labedz, Moylan, Dworak, Murphy, Mills, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (4) Senators Marsh, F. Lewis, Koch, and Cope. Absent: Senator DeCamp.

(Signed) John S. Savage, Chairman

MOTION – Return LB 179 to Select File

Mr. Goodrich moved to return LB 179 to Select File for the following specific amendment:

1. On page 2, line 26, strike "fifty" and insert "thirty"; and in line 27, strike "sixty" and insert "fifty".

Motion pending.

MOTION – Return LB 179A to Select File

Mr. Goodrich moved to return LB 179A to Select File for the following specific amendment:

On page 2, lines 1 and 2, strike "three million one hundred twenty-two thousand nine hundred" and insert "nine hundred seventeen thousand four hundred"
on line 3, strike "ninety-six" and insert "forty-eight"

on lines 4 and 5, strike "three million seven hundred seventy-eight thousand one hundred" and insert "one million one hundred thirty-one thousand six hundred"

Motion pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed LR 12.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 59. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

CANCELLATION OF HEARING NOTICE
Revenue

LB 502 Wednesday, March 2, 1977 (cancel) 2:00 p.m.

(Signed) Orval Keyes, Chairman

UNANIMOUS CONSENT – Members Excused

Speaker Luedtke and Mr. Marvel asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 103. Considered.

Mr. Kelly asked unanimous consent to withdraw his division of his amendments found in the Journal on page 435 and vote on them separately. No objections. So ordered. The division of the amendments is found on page 578 of the Journal.

Part 2 of the Kelly amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Part 3 of the Kelly amendment was considered.

MR. SAVAGE PRESIDING

Mrs. Maxey offered the following amendment to the Kelly amendment part 3:

Amend Senator Kelly's amendment Sec. 3, line 25 to strike the number of 48 and replace 24 hours.

The Maxey amendment lost with 10 ayes, 22 nays, 13 present and not voting, and 4 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mr. Kelly requested a record vote on his amendment, part 3.

Voting in the affirmative, 14:

Barnett	Carsten	Clark	Dworak	George
Goodrich	Kelly	Kremer	Marsh	Maxey
Murphy	Rasmussen	Stoney	Warner	

Voting in the negative, 24:

Bereuter	Boughn	Brennan	Burrows	Cope
Cullan	Duis	Fitzgerald	Fowler	Hefner
Kahle	Keyes	Koch	Labedz	Lamb
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Swigart	Venditte	

Present and not voting, 7:

Chambers	DeCamp	Hasebroock	Maresh	Merz
Mills	Simon			

Excused and not voting, 4:

F. Lewis	R. Lewis	Luedtke	Marvel

The amendment lost with 14 ayes, 24 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 32 ayes, 1 nay, and 16 not voting.

Advanced to E & R for Review with 36 ayes, 3 nays, 6 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT–Change of Hearing Room

Mr. Dworak asked unanimous consent to use the West Chamber for the Miscellaneous Subjects Committee hearing today. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 14.

Introduced by Koch, 12th District.

WHEREAS, persons in cities and towns throughout the United States are rediscovering a new sense of responsibility for the problems of their communities; and

WHEREAS, there is a need today for local citizens of our nation to participate in making decisions which determine their future; and

WHEREAS, TOWN MEETING '76 has been demonstrated as an effective one-day program in over 600 communities in America in which local citizens examined the issues of their community in a comprehensive context and created practical proposals for dealing with them; and

WHEREAS, it is in the public interest that encouragement and support be given to the continuation of Town Meetings which involve a broad cross-section of Nebraska's citizens; and

WHEREAS, it is the desire of the Nebraska Legislature to receive directly from the people proposals for the future of their communities.

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

1. That we, the duly elected representatives of the people of Nebraska, do hereby extend our personal encouragement and that of our offices to the Town Meeting project.

Laid over.

UNANIMOUS CONSENT–Bracket LB 109 - 109A

Mr. Koch asked unanimous consent to bracket LB 109 and LB 109A until March 2, 1977. No objection. So ordered.

VISITORS

The President introduced 12 10th through 12th grade students, 1 teacher and 1 sponsor from Exeter, Nebraska.

ADJOURNMENT

At 11:52 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Friday, February 25, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIRST DAY–FEBRUARY 25, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 25, 1977

Pursuant to adjournment, the Legislature met at 9:03 a.m., President Whelan 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. Kelly and Koch who were excused; and Mrs. Maxey and Messrs. Rasmussen and Venditte who were excused until they arrive; and Mrs. Marsh who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirtieth Day was approved.

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 24, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Binning, John H. – Lincoln, First Greatwest Corporation
Hughes, Lorraine Mae – Lincoln, David D. Tews
Noren, Charles F. – Lincoln, Committee For Essential Mental Health Care
Stenberg, Donald B. – Lincoln, Nebraska Republican Party

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 389. Replaced on Select File as amended.
E & R amendment to LB 389:
1. On page 4, line 9, strike "3" and insert "4".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 479. Placed on General File.
LEGISLATIVE BILL 491. Placed on General File.
LEGISLATIVE BILL 492. Placed on General File.

(Signed) Jerome Warner, Chairman

Education

LEGISLATIVE BILL 441. Placed on General File.

LEGISLATIVE BILL 446. Placed on General File as amended.
Standing Committee Amendment to LB 446:
1. On page 2, line 7 reinstate "recommended" and strike "prescribed".

LEGISLATIVE BILL 487. Placed on General File.

(Signed) F. Lewis, Chairman

Public Health and Welfare

LEGISLATIVE BILL 307. Placed on General File as amended.
Standing Committee Amendment to LB 307.
1. On page 2, strike beginning with "one" in line 22 through the second underscored comma in line 23.

LEGISLATIVE BILL 311. Placed on General File.
LEGISLATIVE BILL 34. Indefinitely postponed.
LEGISLATIVE BILL 43. Indefinitely postponed.
LEGISLATIVE BILL 306. Indefinitely postponed.

(Signed) R. Lewis, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Koch asked unanimous consent to print the following amendment to LB 33A in the Journal. No objections. So ordered.

Amendment to LB 33A

1. On page 2, strike commencing with "1977-78" in line 3 through "1978-79" in line 4 and insert "July 1, 1977 to June 30, 1978"; after line 8 insert the following:
"Sec. 2. There is hereby appropriated forty million dollars from the General Fund for the period July 1, 1978 to June 30, 1979 to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143, to aid in carrying out the provisions of Legislative Bill 33, Eighty-fifth Legislature, First Session, 1977.".

ATTORNEY GENERAL OPINIONS

Opinion No. 23
February 22, 1977

Dear Senator Simon:

You have asked our opinion on the constitutionality of your amendments to LB 64. LB 64, in its original form, would repeal the death penalty provisions of Nebraska statutes. In its place it substitutes life imprisonment. Your amendments to LB 64 would provide for a sentence of not less than thirty years nor more than ninety years for each count and would provide that there would be no provision for parole. We find no constitutional infirmatives in such a proposal.

Article IV, Section 13, Constitution of Nebraska, provides for the establishment of a Parole Board. That constitutional provision reads in part:

> "... Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. ..."

The clear import of that constitutional provision is that the Board of Parole, subject to such conditions as may be prescribed by law, has the sole constitutional authority to grant paroles. Your amendment to LB 64, if passed, would constitute a valid condition or restriction placed upon the granting of a parole. We would point out that the effect of your amendment would not change a convicted first degree murderer's parole eligibility status from that which he holds under the current law. Under current law, a first degree murderer, upon conviction, will receive either the death penalty or a sentence of life imprisonment. A person receiving a life sentence for first degree murder is not eligible for parole until such time as the Board of Pardons, in exercising its constitutional authority, commutes his life sentence to either a determinate number of years or an indeterminate sentence, the minimum of which may be used to calculate his parole eligibility. Your amendment to LB 64 would, therefore, not change a convicted first degree murderer's parole eligibility status.

We feel it necessary to point out that LB 64, in either its original form or your amended form, could not affect or eliminate the exercise of the pardoning power held by the Governor, the Secretary of State, and the Attorney General as granted in Article IV, Section 13, Constitution of Nebraska. A life sentence or a sentence of thirty to ninety years without parole would not and could not prevent the Board of Pardons from commuting such sentence to a certain term of years. Because the Board of Pardons is granted the power to grant pardons and commutations by the Constitution, legislation cannot impair the exercise of that power, either directly or indirectly, and therefore LB 64, were it to be enacted into law either in its original form or its amended form, could not restrict the pardoning power of the board over the class of offenders to which it applies. In our opinion, the language of the constitutional provision relating to the Board of Pardons fixes absolute the power to pardon in the Governor, the Secretary of State, and the Attorney General. Except for the express restriction concerning treason and impeachment, the grant of pardoning power to the board is absolute, and such unlimited language has been historically so construed.

One final legal question which we feel we must address is whether or not the establishment of a thirty to ninety year sentence without parole for persons convicted of first degree murder only is class legislation and therefore invalid. We believe that it is not. The general test of the validity of class legislation is whether or not the class against which the legislation is directed is an arbitrarily and capriciously selected class and therefore unfairly discriminated against. We believe that in the case of LB 64 that the class of persons constituting convicted first degree murderers can easily and readily be distinguished from all other classes of convicted murderers and felons. The offensive and reprehensive nature of the acts committed by first degree murderers and the societal need to deter and have retribution for such conduct would appear to be sufficient and justifiable reason for treating that class of convicted felons differently.

It is our conclusion, therefore, that should LB 64 be enacted into law, either in its original form or your amended form, it would be valid.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 24
February 22, 1977

Dear Senator Duis:

You have asked us for our opinion as to the constitutional validity of Legislative Bills 44 and 229. These bills, in the aspects which we will discuss, are so similar that a separate opinion for each is not indicated, but we will discuss both herein.

Both bills provide for a committee of the Legislature to excercise what amounts to a veto power over rules and regulations promulgated by state administrative agencies. In L.B. 44 the committee is called the Administrative Rules and Regulations Review Committee, and in LB 229 it is the Legislature's Committee on Administrative Agency Rules and Regulations, created by section 84-908, R.S.Supp., 1976.

Both bills provide that the committee may hold public hearings to investigate complaints about such rules and regulations, and may, on the basis of such complaints, suspend any rule complained of on the vote of the specified number of members of the committee. L.B. 229, but not L.B. 44, also provides that the committee may suspend a rule or regulation if it concludes that the rule or regulation is inconsistent with or exceeds the authority granted to the agency by law or the intent of the Legislature in enacting the law.

If such a rule or regulation is suspended, both bills require the committee to place before the Legislature a bill to repeal the rule or regulation involved. If such bill passes, the rule or regulation shall not again be adopted unless a bill is passed by the Legislature authorizing it. If the bill is defeated, the rule or regulation shall be reinstated, and the committee shall not suspend it again, under L.B. 229, or for 12 months, under L.B. 44.

We believe both of these bills present very serious questions involving the separation of powers. Article II, Section 1 of the Nebraska Constitution 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."

Obviously, the committees created by these two bills are legislative committees, and are a part of the Legislative Branch. The Constitution specifically forbids the Legislative Branch to exercise administrative or judicial powers.

Rules and regulations of administrative agencies are promulgated pursuant to statutory authority. The statute must contain standards governing the agency in the exercise of its rule-making authority, but when an agency adopts rules and regulations in accordance with statutory guidelines, it is performing an administrative function, in accordance with powers given to it by the Legislature. Indeed, if the adoption of rules and regulations were a legislative function, an agency could not do so, as this would constitute a violation of Article II, Section 1 of the Constitution. It appears axiomatic that the revision, repeal, or suspension of such rules and regulations are also administrative functions.

Let us discuss first the provision in L.B. 229 that the committee may suspend a rule or regulation if it concludes that it is inconsistent with or exceeds the authority granted the agency by law or the intent of the Legislature in enacting the law. In 2 Am.Jur.2d 517, Administrative Law Section 656, we find:

> "The interpretation of a statute or regulation involves a question of law, and statutory construction is the function of the courts, which, it is held in some cases, the legislative branch cannot restrict. Since the statutes under which administrative agencies act contain the policy which the legislature desires to be pursued and the standards which are to control the pursuit of that policy, and judicial review is an additional assurance that the legislative policies will be executed, the matter of statutory construction is not finally entrusted to administrative agencies, but is determinable ultimately by the courts. The scope of review provision of the Federal Administrative Procedure Act declares generally that the reviewing court shall interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action."

We therefore conclude that L.B. 229 attempts, by this provision, to vest in the legislative committee the judicial function of determing whether or not the action of the administrative agency was authorized by the statute. In Davis v. General Motors Acceptance Corporation, 176 Neb. 865, 127 N.W.2d 907 (1964), the court struck down a statute which it held

constituted a legislative invasion of judicial powers. Section 84-911, R.R.S. 1943 makes provision for judicial review of the validity of rules. The provision in question violates Article II, Section 1 of the Constitution by vesting this judicial power in a legislative committee.

Let us now consider the provision in both bills to provide for the suspension of rules and regulations on the basis of complaints, and after hearings. We are assuming in this discussion that the rules were authorized by statute, were not in excess of the authority granted by the statute, and were therefore in all respects valid and enforceable, but that the committee concluded that they were unduly harsh, or that for some other reason, political or otherwise, they should not be enforced.

In this connection we think the language found in State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920 (1970) is pertinent. While finding the particular provision under discussion valid, the court said:

> The Legislature has plenary or absolute power over appropriations. It may make them upon such conditions and with such restrictions as it pleases within constitutional limits. There is one thing, however, which it cannot do, and this is inherent in Article II, section 1, Constitution of Nebraska. It cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of the government. It cannot administer the appropriation once it has been made. When the appropriation is made, its work is complete and the executive authority takes over to administer the appropriation to accomplish its purpose, subject to the limitations imposed. . . ."

The court said the Legislature cannot administer an appropriation once it is made. In the same vein, once the Legislature has passed a bill giving an administrative agency power to administer a statute, including the power to adopt rules and regulations, the function of the Legislature is complete, and the administrative branch takes over. In giving the committee the power to suspend rules and regulations, these bills would give the Legislative Branch administrative functions. We believe the court would hold this to be an invasion of the power of the Executive Branch.

We also point out that the function of the committee would necessarily have to be administrative or judicial, as it clearly could not be legislative. Legislative powers can only be exercised by the Legislature itself, and not by committees thereof. The Constitution provides for the manner of exercising legislative powers, and further provides that every bill passed by the Legislature shall be presented to the Governor, for his signature or veto. See Article IV, Section 15. If the suspension of rules were thought to be a legislative function, the procedure prescribed would deny the Governor his veto right.

The bills further provide for the submission of bills to the Legislature for the repeal or suspension of rules and regulations. As we have previously

said, we believe the repeal of rules and regulations, like their adoption, is an administrative function, and cannot be exercised even by the Legislature itself. Without question the Legislature could, if it saw fit, accomplish the invalidation of almost any rule or regulation by amending the statute under which it was promulgated, removing the foundation upon which the rule or regulation was based. But to simply "repeal" the rule or regulation (which was not "passed" by the Legislature in the first place) would create an anomaly. The basic statute would continue to authorize the rule or regulation, but the "repealer" would forbid it. In any event, we believe it would be difficult to sustain such an action against an attack based upon Article II, Section 1.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pjf
cc: Vincent D. Brown
Clerk of the Legislature

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 30. Mr. DeCamp asked unanimous consent to bracket LB 30 until Monday, February 28, 1977. No objections. So ordered.

LEGISLATIVE BILL 122.

A BILL FOR AN ACT to amend sections 23-1721, 23-1722, and 23- 1732, Revised Statutes Supplement, 1976, relating to counties; to provide that counties having a population of forty thousand or more shall be under the sheriff's merit 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis

Luedtke	Maresh	Merz	Mills	Moylan
Murphy	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 2:

Cope	Marvel

Absent and not voting, 1:

Marsh

Excused and not voting, 5:

Kelly	Koch	Maxey	Rasmussen	Venditte

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

LEGISLATIVE BILL 136.

A BILL FOR AN ACT to amend section 23-2502, Reissue Revised Statutes of Nebraska, 1943, relating to the county civil service system; 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, 42:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Merz	Mills
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 0.

Present and not voting, 2:

Labedz	Marvel

Excused and not voting, 5:

Kelly	Koch	Maxey	Rasmussen	Venditte

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

LEGISLATIVE BILL 144. With Emergency.

A BILL FOR AN ACT to amend sections 48-133 and 48-137, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to change the time for filing claims and the statute of limitations; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Merz
Mills	Moylan	Newell	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 3:

Duis	Murphy	Nichol

Excused and not voting, 5:

Kelly	Koch	Maxey	Rasmussen	Venditte

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

LEGISLATIVE BILL 194.

A BILL FOR AN ACT to amend section 68-602, Reissue Revised Statutes of Nebraska, 1943, relating to social security; to redefine political subdivision; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Merz
Mills	Moylan	Murphy	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 1:

Marvel

Excused and not voting, 5:

Kelly	Koch	Maxey	Rasmussen	Venditte

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 60-2302, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to provide for recording of mileage when a repaired or replaced odometer is incapable of registering the same mileage; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Merz
Mills	Moylan	Murphy	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 5:

Kelly	Koch	Maxey	Rasmussen	Venditte

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

LEGISLATIVE BILL 396.

A BILL FOR AN ACT to amend section 60-1609.01, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to specify when owners of land on which mobile homes are located shall renew the annual permit; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cullan	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Merz	Mills
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 0.

Present and not voting, 2:

Cope Fitzgerald

Excused and not voting, 5:

Kelly Koch Maxey Rasmussen Venditte

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

UNANIMOUS CONSENT–Print in Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 389 in the Journal. No objections. So ordered.

1. Insert two new sections as follows:

"Sec. 7. On or before November 15 of each year, the commissioner shall report to the Executive Board of the Legislative Council on the operations of the multipurpose service centers. The report shall include the following:

(1) The total number of contacts made;

(2) The total number of job placements completed;

(3) The cost of job training, the cost of job placement, the salary for accepted jobs, and the type of accepted job for the purpose of comparing the costs of training and placement with the income received by the homemakers served;

(4) A complete list of expenditures of the centers; and

(5) A socio-economic profile of the homemakers served by the program.

Sec. 8. The provisions of the Nebraska Equal Opportunity for Displaced Homemakers Act shall cease to exist three years after the effective date of this act unless otherwise provided for by the Legislature pursuant to its review of the administration and development of the displaced homemaker centers.".

2. Renumber original section 7 as section 9.

SELECT FILE

LEGISLATIVE BILL 220. Mr. Cullan renewed his pending motion found in the Journal on page 587 to indefinitely postpone.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 12 nays, and 19 not voting.

Mr. Merz 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 motion to indefinitely postpone lost with 14 ayes, 25 nays, and 10 not voting.

Mr. Bereuter requested a record vote on advancing LB 220.

Mr. Schmit moved for a Call of the House. The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Mr. Schmit requested a roll call vote.

Voting in the affirmative, 25:

Boughn	Brennan	Burrows	DeCamp	Fitzgerald
George	Goodrich	Hasebroock	Hefner	Keyes
Labedz	F. Lewis	Luedtke	Marsh	Marvel
Merz	Moylan	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Venditte	Warner

Voting in the negative, 20:

Barnett	Bereuter	Carsten	Chambers	Clark
Cope	DeCamp	Duis	Dworak	Fowler
Kahle	Kremer	Lamb	R. Lewis	Maresh
Mills	Murphy	Newell	Nichol	Swigart

Excused and not voting, 4:

Kelly	Koch	Maxey	Rasmussen

Advanced to E & R for Engrossment with 25 ayes, 20 nays, and 4 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

LEGISLATIVE BILL 220A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 129. Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 567 for the Twenty-Ninth Day to Indefinitely postpone. No objections. So ordered.

Mr. Mills offered the following amendment:
Strike the Lamb amendment adopted February 23.

Mr. Mills moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The Mills amendment was adopted with 27 ayes, 10 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 88. Mr. Barnett offered the following amendment:

1. In the Standing Committee Amendments, line 2 insert after the second period "(1)"; and in line 10 strike the underscored period and insert an underscored semicolon, and insert one new subsection as follows:
"(2) Hours worked shall mean hours for which compensation is paid.".
2. In the second Labedz Amendment, line 4 after the second period insert "(1)"; in line 6 strike "(1)" and insert "(a)"; in line 7 strike "(2)" and insert "(b)"; in line 8 strike "(3)" and insert "and (c)"; and after line 16 insert:
"(2) Employees who receive an annual salary in excess of ten thousand dollars may receive either compensatory time off or payment for hours worked. The decision as to which method of compensation to use shall be made by the particular department head; and
(3) Employees who receive an annual salary of less than ten thousand dollars shall be paid at the rate of time and one half for all hours in excess of forty hours per week worked by the employee.".

Lines 1 thru 6 of the Barnett amendment were adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Barnett requested a roll call vote on the remainder of his amendment.

Mr. Barnett moved for a Call of the House. The motion lost with 15 ayes, 16 nays, and 18 not voting.

Voting in the affirmative, 22:

Barnett	Boughn	Brennan	Burrows	Carsten
Chambers	Fitzgerald	Fowler	George	Goodrich
Keyes	F. Lewis	Luedtke	Marvel	Maxey
Merz	Mills	Moylan	Newell	Savage
Simon	Venditte			

Voting in the negative, 22:

Bereuter	Clark	Cope	Cullan	DeCamp
Duis	Hasebroock	Hefner	Kahle	Kremer
Labedz	Lamb	R. Lewis	Maresh	Murphy
Nichol	Reutzel	Rumery	Schmit	Stoney
Swigart	Warner			

Present and not voting, 1:

Dworak

Excused and not voting, 4:

Kelly	Koch	Marsh	Rasmussen

The remaining Barnett amendments lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

Mrs. Labedz offered the following amendment:

Amendment to LB 88

1. In the Standing Committee amendment 1, line 10 on page 382 of the Journal after "colleges" insert ", and department shall mean and include any state agency, department, commission, board, or office specifically including the University of Nebraska and the state colleges".

2. In the Labedz amendment 1, lines 9 and 10 on page 488 of the Journal, strike "eighty hours is established within a period of fourteen consecutive calendar days" and insert "eight hours per day or eighty hours per fourteen consecutive calendar days is established"; in line 15 strike "or" and insert ","; and in line 16 after "institutions" insert ", or agricultural activities".

3. In the Labedz amendment 2, line 8 on page 488 of the Journal after "other" insert "professional,

17 executive, and administrative"; and in line 10 after
18 "jurisdictions" insert "are normally exempt from re-
19 ceiving overtime pay and may".

Mrs. Labedz moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Labedz moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Labedz amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Newell moved to bracket LB 88 until Tuesday, March 1, 1977. The motion lost with 20 ayes, 19 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 294. E & R amendments found in the Journal on page 581 for the Thirtieth Day were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Koch asked the Clerk to announce that Mr. Al Biehlen of the State Department of Education will hold another briefing on LB 33 in Room 2102 today at 12:30 p.m.

RESOLUTIONS

LEGISLATIVE RESOLUTION 15.

Introduced by Stoney, 4th District.

WHEREAS, Sudden Infant Death Syndrome (Crib Death) herein referred to as SIDS has become a primary cause of deaths nationally in children below the age of three years; and

WHEREAS, SIDS is recognized as an unpredictable, unpreventable disease which often causes unique emotional and legal problems for parents and other family members of SIDS victims; and

WHEREAS, implementation of current procedures in reporting, investigation and recording of sudden unexplained deaths seem inappropriate when used to deal with SIDS cases; and

WHEREAS, there were fifty-two reported incidents of SIDS in Nebraska during 1976; and

WHEREAS, a noncriminal approach in autopsy procedures assists in removing the burden of parental and community uncertainty in SIDS cases; and

WHEREAS, the SIDS crisis is a public health problem which demands immediate medicolegal attention.

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

1. That the Legislature's Public Health and Welfare Committee conduct an interim study of laws and procedures within Nebraska for the reporting, investigating and recording of unexplained sudden deaths and the applicability of such laws and procedures to SIDS cases.

2. That the Committee shall review laws adopted or proposed in other states to cope with SIDS cases as well as any other data considered helpful for purposes of this study.

3. That the Committee shall reports its findings together with any recommended changes in state law to the next regular session of the Legislature.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

February 24, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 10, 17, 57, 73, 119, 132, 133, 134, 167, and 256.

These bills were signed by me on February 24, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 204. Placed on General File as amended.
Standing Committee amendments to LB 204:

1. On page 3, line 9 after "Nebraska", insert "Advisory".

2. Strike sections 17 to 42, and insert a new section as follows:

"Sec. 17. The director shall (1) provide a comprehensive and integrated statewide plan for alcoholism services, (2) establish minimum standards for the operation of any facility or program providing services funded in whole or in part under the provisions of this act, (3) provide such assistance as may be necessary to place a person suffering from alcoholism in an appropriate facility or program, (4) encourage research by public and private agencies, institutions of higher learning, and hospitals in the interest of the elimination and amelioration of alcoholism and of the care and treatment of alcoholic persons, (5) require budgets to be submitted by each region, which budgets shall detail expected expenditures and projected levels of services and revenue, (6) evaluate submitted budgets to determine the state's share of funding requirements and the services to be rendered, and (7) promulgate such rules and regulations as are necessary to carry out the provisions of this act. In adopting such rules and regulations, the director shall be governed by the provisions of Chapter 84, article 9. Any standards, rules, and regulations shall be adopted only after consultation with the committee provided for in this act.

The director may enter into agreements with other departments or agencies of the State of Nebraska that provide alcoholism facilities, programs, or services. Contracts may be made with those organizations designated by the regional boards described herein to assist in the administration or supervision of all alcoholism services and programs provided for by the provisions of this act within the region. The director shall provide necessary limitations on payment for inpatient services. Programs or services may be provided if community-based programs are not available and the director determines that such programs or services cannot reasonably be provided locally where such services are necessary.

The director shall take whatever actions as are lawfully required to assure the coordination of the facilities, programs, and services of the various agencies of the

State of Nebraska and those in the regions and communities, whether they be public or private, which are supported in whole or in part by state funds provided by the provisions of this act.".

3. Strike original sections 77 to 79 and insert two new sections as follows:

"Sec. 52. The six regional governing boards shall offer comprehensive community alcoholism programs, services and facilities. The boards shall provide funds for such community-based projects. Federal funding, private sources, third party payments, and fees collected may be used as sources of necessary funds. The state shall provide seventy-five per cent of the funds required to provide the services for each region, exclusive of federal funding, private sources, third party payments, and fees collected under the provisions of this act. Local, county, and other tax-generated sources shall account for at least ten per cent of the funds. Private sources, third party payments, and fees collected shall account for no more than fifteen per cent of the funds. The regional governing boards shall account for all sources and expenditure of funds for any agency receiving any state funds under the provisions of this act.

Sec. 53. Allocation of state matching funds shall be limited to employment of staff personnel, technical assistance, operation of programs, leasing, renting, maintenance of facilities, and for the initiation and continuation of programs and services. State matching funds shall not be used for capital construction. Federal matching funds or other federal funding sources shall not be considered a part of local or state matching.

It shall be the responsibility of the department to require annual audits and reports as it deems necessary to supervise and monitor the provisions of this act. It shall be the further responsibility of the department to provide accountability for all sources of funds and all expenditure of funds for all agencies receiving any funds under the provisions of this act.".

4. Strike sections 87 and 90 and insert three new sections as follows:

"Sec. 63. The provisions of the Alcoholism and Intoxication Treatment Act shall cease to exist on July 1, 1979, unless otherwise provided for by the Legislature pursuant to its review of the administration and development of alcoholism services.

Sec. 64. This act shall become operative on the first day of the month following the effective date of this act.

Sec. 65. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

5. Renumber original sections 43 to 76 as sections 18 to 51 respectively, renumber original sections 80 to 86 as sections 54 to 60 respectively, renumber original sections 88 and 89 as sections 61 and 62 respectively, and renumber original section 91 as section 66.

(Signed) Wally Barnett, Chairman

Urban Affairs

LEGISLATIVE BILL 36. Indefinitely postponed.

(Signed) Walter George, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 25, 1977, at 10:45 a.m., was the following bill: 66.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 95, 357, 443, and 475.

Correctly Enrolled

The following bills were correctly enrolled: 13, 115, and 231.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 13, 115, and 231.

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following amendment to LB 220 in the Journal. No objections. So ordered.

1. Strike renumbered section 30, and insert a new section 30 as follows:

"Sec. 30. Money in the Litter Control Fund shall be distributed in the following manner:

(1) Five per cent of such money shall be distributed to the department; and

(2) Ninety-five per cent shall be distributed in accordance with the provisions of section 39-2402, Reissue Revised Statutes of Nebraska, 1943, for purposes of picking up litter, recycling, and disposal.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 16.

Introduced by Barnett, 26th District; Labedz, 5th District.

WHEREAS, Oak Snyder was a resident of the city of Lincoln for seventy years and had been a productive participant in the private sector of Nebraska business for forty-five years; and

WHEREAS, Mr. Snyder had served his country as a member of the United States Navy during World War I; and

WHEREAS, he had performed valued service to his community through participation in civic affairs including membership on the board of directors for Cedars Home; and

WHEREAS, Oak Snyder passed from this life on February 24, 1977.

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

1. That the members of the Legislature extend their sympathies to the family members of Oak Snyder who include Senator Roland Luedtke, Speaker of the Legislature.

2. That a copy of this resolution be delivered to the family of Oak Snyder as an expression of regret for his passing.

Mr. Barnett moved to suspend the rules to consider LR 16 today. The motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LR 16 was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

MOTION—Introduce Bill

Mr. Stoney moved the introduction of a new bill by the Committee on Government, Military, and Veterans Affairs. (Req. No. 801)

The motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 507. By Government, Military and Veterans Affairs Committee: Stoney, 4th District, Vice Chairman; George, 16th District; Simon, 31st District; Nichol, 48th District; Duis, 39th District.

A BILL FOR AN ACT relating to labor; to prohibit the hiring of illegal aliens; to provide penalties; and to declare an emergency.

UNANIMOUS CONSENT – Member Excused

Mr. Duis asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT – Approve Appointments

Mr. Savage asked unanimous consent to approve the appointments found in the Journal on pages 589 through 594 in one record vote on the following: Marjorie Hartnett; J. E. Clemens; Melvin Auch; Mrs. Polly Feis; William Fenton; Mrs. Jane Gilmore; Robert B. Kramer; Bennard W. Preis; Clifford B. Dudley; Ted Reeder; Charles L. Thomsen; Clifford Williams; Mrs. Mary Carey; Henry J. Purdie; Sam Jensen; George Miller; Ramey Whitney; Walter R. Louis; Dale Sailors; Marvin E. Jewell; Howard L. Burdick; Ray R. Young. No objections. So ordered.

Voting in the affirmative, 33:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	Dworak	George	Goodrich
Hasebroock	Kahle	Keyes	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Simon	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 11:

Burrows	Clark	Cullan	DeCamp	Fitzgerald
Fowler	Hefner	Marvel	Schmit	Stoney
Swigart				

Excused and not voting, 5:

Duis Kelly Koch Marsh Rasmussen

The Chair declared the appointments confirmed.

MOTION – Suspend Rules

Mr. Brennan moved to suspend the rules to add his name to LB 507.

Mr. Brennan moved for a Call of the House. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. F. Lewis 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, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Brennan asked unanimous consent to add his name to LB 507. No objections. So ordered.

UNANIMOUS CONSENT – Member Excused

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 267. Title read. Considered.

Standing Committee amendments found in the Journal on page 388 for the Nineteenth Day were adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

EXPLANATION OF VOTE

February 25, 1977

Mr. President:

I voted for LB 66 with understanding of its monumental impact and effects and with the desire that all other members of the Legislature also should understand them. My affirmative vote was given after the bill had

already received overwhelming passage by the votes on the board with no opposition. The bill, in my opinion, did not receive adequate research or explanation as to what I believe its incredible impacts are.

I, among others, have sometimes received criticism for debating too long and raising too many questions -- frequently at the last minute.

My vote, then, was rendered affirmatively in hopes of highlighting what can happen when no opposition or questions or debate are raised on an issue.

The bill, though noble in its goals, is, in my humble opinion, probably unworkable and possibly unconstitutional.

My affirmative vote was given in this context and with the desire that from this example the value and need for adequate research, adequate debate and adequate understanding of legislation might be highlighted and affirmed.

Respectfully,

(Signed) John W. DeCamp

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 168. Placed on General File as amended.
Standing Committee amendment to LB 168:

1. On page 4, lines 9 and 10, strike "three", and insert "~~three~~ two".

(Signed) Wally Barnett, Chairman

VISITORS

The President introduced 13 8th grade students and teachers from Mickle Jr. High, Lincoln; 32 8th grade students and teachers from David City Public School, David City; Mr. and Mrs. Dick Downey from Merna; Messrs. Kunio Miyamoto and Masaharu Kohno who have just become honorary Nebraska Citizens, escorted by Mr. Steve Takechi of Omaha.

ADJOURNMENT

At 11:54 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 10:00 a.m., Monday, February 28, 1977.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

THIRTY-SECOND DAY–FEBRUARY 28, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 28, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by Reverand Lee Van Ham, Associate Pastor, Westminster Presbyterian Church.

> Lord, help us today in one of our recurring dilemmas - the dilemma of being people who have given our word and publicly stated our position, but then in recent weeks or days have come to a new position and need to change our agreements and our public stance. How can we do this and maintain trust with constituents, with one another in this Senate Chamber, and even with ourselves?
>
> Guide us, Lord, because we want our promises to be trustworthy, and our word to have integrity. Yet, we need the freedom to change our minds. When in our journey we move beyond a position we formerly held, help us to see ways to still be responsible to those who are disappointed and even hurt by our change in perspective.
>
> Our Father, we eschew being evasive, two-faced, or double-tongued, yet we also need the gracious permission from one another, from those we represent, and even from ourselves to change. May we experience such grace as this legislative session continues.
>
> Balance then our courage to risk the freedom to change with the courage to continue to make commitments and promises on the basis of the knowledge we have at that time. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Burrows and Koch who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-First Day was approved.

MESSAGES FROM THE GOVERNOR

February 24, 1977

Mr. Vince Brown, Clerk of the Legislature
State Capitol Building, Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 193 and 211.

These bills were signed by me on February 24, 1977 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

February 25, 1977

Mr. Vince Brown, Clerk of the Legislature
State Capitol Building, Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 191, 237, and 254.

These bills were signed by me on February 25, 1977 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

COMMUNICATION

Public Employees Retirement Board

February 25, 1977

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

Dear Mr. Brown:

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

Twenty-First Actuarial Valuation, Nebraska State Patrolmen's Retirement System, July 1, 1975 through June 30, 1976;

Twelfth Actuarial Report, Nebraska Judges Retirement System, July 1, 1975 through June 30, 1976;

Twenty-Fifth Actuarial Report, Nebraska School Retirement System, July 1, 1975 through June 30, 1976;

Actuarial Valuation, Nebraska State Employees Retirement System, January 1, 1975 through December 31, 1975;

Actuarial Valuation, Nebraska County Employees Retirement System, January 1, 1975 through December 31, 1975.

Respectfully submitted,

(Signed) Kenneth D. Steinmiller
Director

KDS:dvh
Enclosures: 5

February 28, 1977

The Honorable William Hasebroock
Chairman, Nebraska Retirement Systems Committee
State Capitol Building, Lincoln, Nebraska 68509

Dear Senator Hasebroock:

We are at this time delivering to you the actuarial valuations of the following retirement systems:

Twenty-First Actuarial Valuation, Nebraska State Patrolmen's Retirement System, July 1, 1975 through June 30, 1976;
Twelfth Actuarial Report, Nebraska Judges Retirement System, July 1, 1975 through June 30, 1976;
Twenty-Fifth Actuarial Report, Nebraska School Retirement System, July 1, 1975 through June 30, 1976;
Actuarial Valuation, Nebraska State Employees Retirement System, January 1, 1975 through December 31, 1975;
Actuarial Valuation, Nebraska County Employees Retirement System, January 1, 1975 through December 31, 1975.

It would seem proper that these be filed with the records of your committee.

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

lj

ATTORNEY GENERAL'S OPINION

Opinion No. 25
February 23, 1977

Re: Inquiry concerning possible legislative need for enforcement of Section 39-6,185, 1976 Supp.

Dear Senator Luedtke:

Your inquiry concerning the need for legislative clarification of the provisions of Section 39-6,185 R.S. Supp. 1976, raises the following questions:

1. Can the shifting of the weight on certain axles or groups of axles be accomplished by mechanically moving the 5th wheel positioning or altering any other configuration that an individual vehicle might be capable of doing, and therefore, bringing the unit in total conformity with the requirements on the weight restrictions on individual axles?

2. Can the shifting of the weight be accomplished by a combination of actually moving a part of the load being transported from one portion of the vehicle to another and changing the configuration to be utilized to meet the statutory requirements of Section 39-6,180?

The answer to both questions is "yes", however, the shifting of weight described in both cases is not exempt from the penalty provisions of 39-6,184, R.S. Supp. 1976. The movement of the fifth wheel or the alteration of the configuration of the vehicle is not a "shift of the load" permitted by 39-6,185.

The word "load" is not defined in the statutes which regulate size, weight, and load of vehicles using public roads. However, where a term is not otherwise defined in a statute, "courts should give statutory language its plain and ordinary meaning". State v. One 1970 2-Door Sedan Rambler, 191 Neb. 462, 215 NW2d 849 (1974). "Load" has been defined as follows:

> "Ordinarily, when mention is made of a load, reference is had only to the material placed upon the carriage, and which is designed for removal from one place to another, not to the carriage itself, or to anything used or employed simply as means by which the removal or transportation of that material is effected. . . ." 25A Words and Phrases, "LOAD", p. 68.

Section 39-6,185 R.S. Supp. 1976, provides in part:

> "When any motor vehicle, motor truck, truck tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum weight permitted by Section 39-6,180 or the maximum tolerance permitted in subdivision (1) or (2) of 39-6,182 the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state." (emphasis added)

The load by definition being that which is being transported on the vehicle, must be shifted or removed to comply with 39-6,180, and 39-6,182 in order to operate on Nebraska highways.

Section 39-6,185 allows the shifting of a load without penalty if a vehicle is overweight on only one axle or group of axles, if that vehicle conforms to specified measurements and if:

(1) the load on such vehicle is such that it can be shifted, and,

(2) the excess load is caused by the shifting of the weight of livestock by the livestock.

In each situation, the load on the vehicle is determinant of whether a shift may be made without penalty. It plainly follows that movement of a

fifth wheel would not move the "load" on the vehicle, and therefore, a "shift" of this type would not escape the penalty provisions of Section 39-6,184.

Very truly yours,
DEPARTMENT OF JUSTICE
(Signed) John E. Brown
Assistant Attorney General

JEB/ta
APPROVED:
(Signed) Paul L. Douglas
Attorney General

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 29. Replaced on Select File as amended.
E & R amendment to LB 29:
1. On page 5, line 19, strike "election" and insert "appointment".

LEGISLATIVE BILL 393. Placed on Select File as amended.
E & R amendments to LB 393:
1. For correlation purposes, in committee amendments, page 1, line 4, insert ", as amended by section 2, Legislative Bill 211, Eighty-fifth Legislature, First Session, 1977" after "1943"; and in lines 18 and 19, strike "a green or" and insert "an".
2. In committee amendments, page 3, lines 7 and 11, strike "sections 39-6,127 and" and insert "section"; and in lines 8 and 12, insert ", and section 39-6,127, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 211, Eighty-fifth Legislature, First Session, 1977" after "1943".

LEGISLATIVE BILL 224. Placed on Select File.
LEGISLATIVE BILL 399. Placed on Select File.

LEGISLATIVE BILL 268. Placed on Select File as amended.
E & R amendments to LB 268:
1. On page 2, line 5, strike "their" and insert "its".
2. On page 3, line 10, strike "hereunder" and insert "under this act"; and in line 19 insert "or" after the first comma.
3. On page 6, line 9, strike "hereunder" and insert "under this act"; in line 13, strike the comma; and in line 20, strike ", and" and insert "and,".

4. On page 8, line 14, strike the comma; and in line 24 insert a comma after "practicable".

5. On page 11, line 16, strike "Where" and insert "When"; and in line 23 insert a comma after "suspended".

6. On page 12, line 1, strike "hereunder" and insert "under this act"; and in line 3 strike the first comma.

LEGISLATIVE BILL 308. Placed on Select File.

LEGISLATIVE BILL 314. Placed on Select File as amended.
E & R amendments to LB 314:

1. On page 9, line 11, insert an underscored period after "Transit" and strike "except, the" and insert "One"; and in line 12 strike "for" and insert "shall be displayed on" and after "motorcycle" insert ", which decal".

2. On page 15, line 21, insert "if he" after the comma and insert "with" after "contact".

3. On page 17, line 1, insert "if he is" after the stricken matter and insert "with" after "contact".

LEGISLATIVE BILL 103. Placed on Select File as amended.
E & R amendments to LB 103:

1. On page 2, line 15, strike the comma; and insert an underscored comma at the end of line 18.

2. On page 3, insert an underscored comma after "toxicity" in line 4 and "documented" in line 14.

3. In the Moylan amendment, line 4 strike "of schedules one and two" and insert "as listed in Schedule I or II of section 28-4,117".

4. On page 4, line 22, strike the comma.

5. On page 5, line 27, insert an underscored comma after "purchaser".

6. On page 6, line 3, strike the comma; in line 8 strike "then"; and in line 27 insert "the" after "for".

7. On page 7, line 6, strike "thereunder" and insert "under this act"; in line 15 insert an underscored comma after "extent"; and in line 26 strike the comma.

8. On page 8, line 13, strike "thereunder" and insert "under this act".

Correctly Engrossed

The following bill was correctly engrossed: 294.

Correctly Enrolled

The following bills were correctly enrolled: 122, 136, 144, 194, 227, and 396.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 122, 136, 144, 194, 227, and 396.

PRESENTED TO THE GOVERNOR

Presented to the Governor February 28, 1977, at 8:40 a.m., were the following bills: 13, 115, and 231.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Constitutional Revision and Recreation

LEGISLATIVE BILL 75. Placed on General File as amended.
Standing Committee amendment to LB 75:

1. On page 4 after line 6 insert "During the firearms deer season, other wild animals may be hunted only with a shotgun and shot not larger than number four, except that this provision shall not apply to waterfowl hunters or to a farmer on the land where he resides."

LEGISLATIVE BILL 398. Placed on General File.
LEGISLATIVE BILL 280. Indefinitely postponed.

(Signed) Gerald Koch, Chairman

Revenue

LEGISLATIVE BILL 244. Placed on General File as amended.
Standing Committee amendment to LB 244:

1. On page 2, line 25, strike "intent and purposes of" and insert "standards and regulations adopted pursuant to".

LEGISLATIVE BILL 245. Placed on General File.

LEGISLATIVE BILL 394. Placed on General File as amended.
Standing Committe amendments to LB 394:

1. On page 4, insert a new section to read as follows:

"Sec. 6. Any incorporated municipality which had, prior to January 1, 1977, authorized a sales and use tax pursuant to section 77-27,142 may continue to impose the tax without submitting the question of continuing such tax to a vote of the qualified electors.".

2. Renumber original section 6 as section 7.

(Signed) Orval A. Keyes, Chairman

Public Health and Welfare

LEGISLATIVE BILL 312. Placed on General File as amended.
Standing Committee amendments to LB 312:

1. On page 3, in lines 3 and 15, strike "home" and insert "~~home~~ center"; in line 21, after "ward", insert "from the center"; and in line 27, strike "of normal and sound mine", and show as stricken.

2. On page 4, line 14, strike ", are of sound mind," and show as stricken.

3. On page 5, line 17, strike "twenty-one" and insert "of majority".

4. On page 6, line 22, after the period, insert "All income received from the investment or deposit of assets shall be credited to the individual child whose assets were invested or deposited.".

5. On page 7, line 10, after "at" insert "the", strike "nineteen" and insert "~~nineteen~~ of majority".

6. Insert a new section 10 as follows:

"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 387. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

Urban Affairs

LEGISLATIVE BILL 1. Indefinitely postponed.
LEGISLATIVE BILL 11. Indefinitely postponed.

(Signed) Walter George, Chairman

MOTION–Return LB 30 to Select File

Messrs. DeCamp, Boughn, Brennan, Burrows, Clark, Dworak, Fitzgerald, Fowler, George, Goodrich, Keyes, Koch, F. Lewis, Marvel, Merz, Murphy, Newell, Reutzel, Savage, Schmit and Simon moved to return LB 30 to Select File for the following specific amendment:
(Printed separately from the Journal and on file in the Clerk's office. Req. No. 2504)

Mr. Simon moved the previous question. The question is,"Shall the debate now close?" The motion lost with 19 ayes, 25 nays, and 5 not voting.

Mr. DeCamp requested a roll call vote on their motion to return LB 30.

Voting in the affirmative, 25:

Boughn	Brennan	Carsten	Chambers	Clark
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	F. Lewis	Maresh	Marvel	Maxey
Merz	Mills	Murphy	Newell	Nichol
Reutzel	Savage	Schmit	Simon	Warner

Voting in the negative, 21:

Barnett	Bereuter	Cope	Cullan	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Marsh
Moylan	Rasmussen	Rumery	Stoney	Swigart
Venditte				

Present and not voting, 1:

Goodrich

Excused and not voting, 2:

Burrows Koch

The motion prevailed with 25 ayes, 21 nays, 1 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 410. With Emergency.

A BILL FOR AN ACT to amend section 81-550, Reissue Revised Statutes of Nebraska, 1943, relating to the Natural Gas Pipe Line Safety Act of 1969; to increase the amount that may be assessed against persons having pipe line facilities in this state; 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	Boughn	Brennan	Carsten
Clark	Cope	Cullan	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 2:

DeCamp Merz

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Burrows 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.

MOTION–Suspend Rules

Mr. Warner moved to suspend the rules to read LB 477 on Final Reading today.

The motion prevailed with 44 ayes, 0 nays, 3 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage.

LEGISLATIVE BILL 477. With Emergency.

A BILL FOR AN ACT relating to education; to provide financial assistance to school districts as prescribed; 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, 43:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Hefner	Keyes	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 4:

Fitzgerald	Kahle	Kelly	Marvel

Excused and not voting, 2:

Burrows	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.

Mr. Warner asked unanimous consent to expedite LB 477. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 129:

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 402. Placed on General File as amended.
Standing Committee amendment to LB 402:

1. Insert a new section 2 as follows:

"Sec. 2. Driver education courses provided by a school district or courses taught by a commercial driver training school under this act shall provide at least thirty clock hours of classroom instruction and a minimum of six clock hours of behind-the-wheel instruction for each student. The instructor shall possess a valid secondary teaching certificate and shall have completed a three hour driver education course, a three hour general safety course and a first aid course, and must possess a valid Nebraska motor vehicle operator's license.".

LEGISLATIVE BILL 181. Indefinitely postponed.
LEGISLATIVE BILL 463. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 17.

Introduced by Kremer, 34th District.

WHEREAS, the State of South Dakota is asserting ownership of and jurisdiction over land lying north of the stabilized channel of the Missouri River, which lands have always been treated as being within the jurisdiction of the State of Nebraska, and,

WHEREAS, the State of South Dakota has initiated an original action in the Supreme Court of the United States against the State of Nebraska challenging the right of the State of Nebraska to continue asserting jurisdiction over and collecting taxes from such lands, and demanding that the State of Nebraska pay over all taxes it has collected in the past, and,

WHEREAS, it is in the best interest of the State of Nebraska to see that the location of such boundaries is properly determined and the interest of its citizens protected.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NEBRASKA LEGISLATURE IN EIGHTY-FIFTH SESSION ASSEMBLED:

1. That the State of Nebraska is deeply concerned on behalf of its citizens with the policies pursued by officers of the State of South Dakota and the claim of right by that state of certain lands along the Missouri River;

2. That within the limits of appropriations, the State Surveyor may make or cause to be made such surveys and may do such other work of such nature as may be necessary or helpful in determining and defending the boundary of this state where the same is formed by the Missouri River or as may be necessary or helpful in protecting the interests of this state or the citizens thereof from the direct or indirect claims of the State of South Dakota to lands along the Missouri River;

3. That within limits of appropriations, all state departments and agencies should cooperate with the Attorney General in defending the integrity of the borders and boundaries of the State of Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 479. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to expedite LB 479. No objections. So ordered.

LEGISLATIVE BILL 491. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to expedite LB 491. No objections. So ordered.

LEGISLATIVE BILL 492. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Warner asked unanimous consent to expedite LB 492. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 410 and 477.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 410 and 477.

GENERAL FILE

LEGISLATIVE BILL 38. Title read. Considered.
Standing Committee amendments found in the Journal on page 352 for the Sixteenth Day were considered.

Standing Committee amendment 1 was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Barnett offered the following amendment:
Page 2, line 13 after "fault" insert "and which is essentially victimless in its effect,".

The amendment was adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Laid over.

SELECT FILE

LEGISLATIVE BILL 389. E & R amendments found in the Journal on page 600 for the Thirty-First Day were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 389 to Select File

Mr. Kelly moved to return LB 389 to Select File for the specific amendment found in the Journal on page 611 for the Thirty-First Day.

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389. The Kelly specific amendment found in the Journal on page 611 was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 389 to Select File

Mr. Dworak moved to return LB 389 to Select File for the following specific amendment:

Page 2 line 27 strike Education and insert Labor after of.
Page 5 line 13 strike Education and insert Labor after of.

The motion lost with 11 ayes, 16 nays, 20 present and not voting, and 2 excused and not voting.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
506	Bkg.Comm. & Ins.	507	Bus. & Labor

(Signed) Richard Marvel, Larry D. Stoney, Richard Lewis, Roland A. Luedtke, Douglas Bereuter, John S. Savage, Steve Fowler, William E. Nichol, Jack Mills.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 479. Placed on Select File.
LEGISLATIVE BILL 491. Placed on Select File.
LEGISLATIVE BILL 492. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 177. Placed on General File.

LEGISLATIVE BILL 104. Indefinitely postponed.
LEGISLATIVE BILL 154. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 28, 1977, at 11:10 a.m., were the following bills: 410 and 477.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT – Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB 88 in the Journal. No objections. So ordered.

1. In the second Labedz Amendment, line 4 after the second period insert "(1)"; in line 6 strike "(1)" and insert "(a)"; in line 7 strike "(2)" and insert "(b)"; in line 8 strike "(3)" and insert "and (c)"; and after line 16 insert:

"(2) Employees who receive an annual salary in excess of eight thousand dollars or those employees involved in agricultural activities may receive either compensatory time off or payment for hours worked. The decision as to which method of compensation to use shall be made by the particular department head; and

(3) Employees who receive an annual salary of less than eight thousand dollars who are not involved in agricultural activities shall be paid at the rate of time and one half for all hours in excess of forty hours per week worked by the employee.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 13. Read and Considered.

Mr. Carsten offered the following amendment:

Add a new Section 3

3. That a copy of the resolution be sent to each member of the Congressional delegation from Nebraska.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 1 nay, and 18 present and not voting.

LR 13 was adopted with 37 ayes, 1 nay, 9 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 65. Placed on General File as amended.
Standing Committee amendments to LB 65:

1. Strike sections 1 to 16 and insert:

"Section 1. The Legislature finds and declares that the law should permit necessary escalation of force directed against an offender to effect his apprehension so long as it is the minimum force reasonably necessary to overcome his efforts either to evade apprehension or to cause harm to others.

The Legislature further declares that negligent or reckless actions committed by law enforcement officers during their efforts in pursuit of actual or suspected violators or in responding to emergencies which damage or injure innocent persons are hereby prohibited and that the duty to avoid damage or injury to innocent third parties is superior to that of pursuit or emergency response.

The Legislature declares to be the policy of this state that, although law enforcement officers are not responsible for damage or injury caused solely by the acts of violators themselves, policy considerations require that such officers balance the necessity for pursuit or apprehension against the probability and severity of damage or injury. The provisions of this act shall be subject to the privileges and conditions stated in section 39-608, Reissue Revised Statutes of Nebraska, 1943.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) High speed shall mean seventy-five to one hundred per cent of the maximum speed at which a vehicle may be safely operated considering the nature, condition and type of roadway, volume and direction of flow of traffic, presence of intersections, visibility and weather conditions;

(2) Overtake shall mean pursuit of a motorist, who is not yet aware that he is being pursued, in order to (a) position the police vehicle so that audible or visual signals to halt can effectively be communicated to the motorist, (b) continuously communicate audible or visual signals to the motorist until he becomes aware of them, and (c) position the police vehicle so that the officer may more effectively observe the motorist, his vehicle, or his passengers or load;

(3) Officer or police officer shall mean any member of a police department of law enforcement agency of any city, village, county, or other political subdivision of this state or any member of the Nebraska State Patrol;

(4) Police vehicle or unit shall mean any motor vehicle owned by any political subdivision of this state or owned by this state and used in connection with police or law enforcement activities and appropriately marked indicating it to be an official police vehicle or unit;

(5) Pursuit shall mean an active attempt by a law enforcement officer on duty in a patrol car to apprehend one or more occupants of a moving motor vehicle, providing the driver of such vehicle is aware of the attempt and is resisting apprehension by maintaining or increasing his speed or ignoring the attempt of a law enforcement officer to stop him;

(6) Evader shall mean a driver who continues to drive his vehicle, refusing to pull to the right and stop, when he knows or should know of the audible or visual signals to do so directed to him by an officer, but who does not attempt to escape by driving recklessly or at high speeds. The officer shall be in uniform prominently displaying his badge of office and his vehicle shall be appropriately marked indicating it to be an official police vehicle;

(7) Reckless evader shall mean a driver who, in order to escape or avoid apprehension by a police officer, drives his vehicle recklessly or at speeds which are so extreme under the conditions prevailing that his involvement in a collision is probable should he continue; and

(8) Initial pursuing vehicle shall mean the police vehicle which initiates a pursuit or any vehicle which assumes control of the pursuit.

Sec. 3. (1) Except as provided in subsection (2) of this section, an officer operating a police vehicle shall not move, turn, disregard stop signs or signals, or exceed maximum speed limits unless he is sounding a siren as reasonably necessary to warn other highway users and is displaying a lighted red lamp if his vehicle is so equipped with such lamp.

(2) If the officer operates his vehicle with due care for the safety of all persons and not in reckless disregard for the safety of others, such officer engaged in pursuit of another vehicle or responding to an emergency call for service may, without operating his

emergency warning devices, (a) exceed maximum speed limits or disregard regulations governing the turning in specified directions, if he has reason to believe that, if his presence is discovered, (i) evidence of a suspected felony or other serious offense may be destroyed or lost, (ii) the suspect may cease a suspected continuing offense before the officer has acquired sufficient evidence to establish grounds for arrest, or (iii) the suspect may attempt to evade apprehension before the officer is sufficiently close to assure an apprehension or an identification of the violator or his vehicle, or (b) exceed maximum speed limits where the pursuit is conducted in his direction of travel on a multilaned roadway when he has reason to believe that the traffic conditions are such that movements of motorists in response to the warning devices would increase the potential for collision or unreasonably extend the duration of the pursuit.

(3) An officer engaged in overtaking shall not exceed the maximum speed limit by more than twenty miles per hour unless such a rate would unreasonably extend the pursuit or the matter involves one or more of the exceptions stated in subsection (2) of this section and a higher speed is therefore necessary.

(4) An officer engaged in responding to a call for emergency service may not exceed the speed limit by more than twenty miles per hour unless a life-threatening situation exists and traffic conditions permit a higher speed.

Sec. 4. In case of death, injury or property damage to any innocent third party as a result of action taken by an officer under the provisions of this act, damages shall be paid to such third party by the state or political subdivision employing the officer. Payment of such damages by the state or political subdivision shall not relieve the officer from any liability which may attach for violating any provisions of this act.

Sec. 5. No officer shall, for the purpose of restricting or blocking the path of a reckless evader, hold at a standstill, stop, or slow all traffic upon a highway or elsewhere with vehicles operated and occupied by innocent third parties.

Sec. 6. (1) The officer in the initial pursuing police vehicle of a high-speed pursuit may request radio silence to be observed by all units and the base station whenever it is necessary to the proper conduct of the pursuit. The base station operator shall immediately

repeat that request to all units on the frequency used by the initial pursuing vehicle. Thereafter, until the high-speed pursuit is ended, only messages involving the high-speed pursuit or those of superior urgency shall be transmitted.

(2) Only the initial pursuing police vehicle shall engage in high-speed pursuit, except that nearby units may move to intercept the fleeing vehicle.

(3) Intercepting police vehicles shall, at all cost, avoid intersecting the path of an oncoming high-speed vehicle. No assisting police vehicle shall move toward the route of a high-speed pursuit without notifying the pursuing officer or the dispatcher of his movement.

(4) If the initial pursuing unit is a motorcycle unit, such unit shall abandon a high-speed pursuit when a four-wheel police vehicle has joined the pursuit and is in contact with the violator.

(5) When an air unit establishes visual contact with the violator's vehicle, the ground units shall be notified of that contact; the air unit shall direct the movement of the initial pursuing unitand all ground units.

Sec. 7. The high-speed pursuit of a reckless evader by ground units, through heavy traffic or densely populated areas, shall be abandoned when:

(1) The original violation was a traffic offense;

(2) No felony has been comitted during the pursuit;

(3) There is no reason to believe that the reckless evader is attempting escape from apprehension for any felony; or

(4) It is reasonable to believe that the evader will discontinue his reckless and high-speed vehicle operation if the pursuit is abandoned. If at any point the identity of the driver of the pursued vehicle becomes known, and the reason for the pursuit is a traffic violation or the commission of a misdemeanor, the pursuit shall terminate and the driver of the pursued vehicle shall be apprehended at a later time.

Sec. 8. Except when directed otherwise by a supervising officer, the officer in the initial pursuing unit of a high-speed pursuit is authorized to abandon that pursuit in the interest of safety, and his decision to do so shall be immediately communicated by him or the base station to all other units involved. Thereafter, all police vehicles shall abandon that high-speed pursuit.

Sec. 9. An officer shall use emergency warning equipment in responding to calls for service only when specifically authorized to do so by the person authorized to assign him to the call, as provided in this act. An officer may obtain authorization to respond in a different mode if circumstances warrant.

Sec. 10. An authorized person acting as a radio dispatcher or in any other way assigning a police officer in a vehicle to respond to a call for service shall, in addition to all other pertinent information, designate the response mode to be used by the assigned officer.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Swigart asked unanimous consent to print the following amendment to LB 22 in the Journal. No objections. So ordered.

1. Strike original section 1 and insert the following:

"Section 1. That section 79-1906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1906. All persons admitted to the Nebraska School for the Deaf shall be taught and trained in that school by the oral, aural and lip-reading method, and by the deaf alphabet and sign language method, or other instructional methods according to the educational needs of the deaf learner. All pupils in the school shall be taught and trained by means of special communication courses which shall be put into effect to the fullest extent that is feasible and practicable.

Sec. 2. That original section 79-1906, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

VISITORS

The Chair introduced 6 Political Science students and teacher from Chadron; 36 4-H club group, from Burt County; and 35 seniors and sponsor from Burke High, Omaha, Nebraska.

ADJOURNMENT

At 12:07 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Tuesday, March 1, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-THIRD DAY—MARCH 1, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 1, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Luedtke 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. Cullan and Mrs. Marsh who were excused; Mr. Venditte who was excused until he arrives; and Mr. Koch who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Second Day was approved.

ANNOUNCEMENT

Speaker Luedtke announced that Senator Burrows' mother passed away yesterday.

MESSAGE FROM THE SECRETARY OF STATE

February 25, 1977

The Honorable Roland Luedtke
Speaker of the House
Member of the Unicameral
Room 2022 – State Capitol
Lincoln, Nebraska 68509

Dear Senator Luedtke:

In the 1976 Legislature, Legislative Bill 987 was adopted by the Legislature and approved by the Governor. This law is known as the Nebraska Political Accountability and Disclosure Act. Among its provisions is the establishment of the Nebraska Accountability and Disclosure Commission. Various provisions of this bill call for the appointment of commission members by the Governor and myself. The Governor and I were to each appoint three members; I have now completed the appointment of my three members and I now call to your attention sections 108 and 109 of the bill. These provisions call for legislative confirmation on, or before March 15, 1977. Therefore, I submit to you with this letter copies of my appointments, resumes of the appointees and a copy of LB 987 for your quick reference.

I trust you will submit these appointments to the proper committee for their legislative confirmation prior to March 15, 1977.

Thank you for your kind attention to this request and its details.

One further request, so that my files will be complete – when legislative confirmation is completed on my three appointees would you and/or the committee chairman please notify my office, in writing, so that I can make it a part of the record in my office and a part of the record for this new commission when it is established and operating.

Respectfully submitted,

(Signed) ALLEN J. BEERMANN
Secretary of State

cc: Senator John Savage, Chairman, Committee on Committees
Enclosures: (3)

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING KNOW YE, That I, Allen J. Beermann, Secretary of State of the State of Nebraska, reposing special trust and confidence in the integrity, patriotism and ability of LOLA JEAN STALEY, Omaha, NE, on behalf and in the name of the State do hereby appoint and commission her a MEMBER OF THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION and do authorize and empower her to discharge the duties of said office according to law; this appointment to take effect and be in force on and after confirmation by the Legislature

1977, and to continue for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until as provided by law.

Further, I hereby certify that her appointment is made under the provision of Nebraska's Statute 49-14,105 R.S. Nebraska 1943, 1976 Cumm. Supp. and said appointment represents the two year term and is made from the Democrat Party List of Nominees.

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

Done at Lincoln this twenty-fourth day of February in the year of our Lord, one thousand nine hundred and seventy-seven.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING KNOW YE, that I, Allen J. Beermann, Secretary of State of the State of Nebraska, reposing special trust and confidence in the integrity, patriotism and ability of RALPH W. SLOCUM, Lincoln, NE, on behalf and in the name of the State do hereby appoint and commission him a MEMBER OF THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION and do authorize and empower him to discharge the duties of said office according to law; this appointment to take effect and be in force on and after confirmation by the Legislature 1977, and to continue for such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until as provided by law.

Further, I hereby certify that his appointment is made under the provision of Nebraska's Statute 49-14,105 R.S. Nebraska 1943, 1976 Cumm. Supp. and said appointment represents the four year term and is made from the citizenry of the state at large.

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

Done at Lincoln this twenty-second day of February in the year of our Lord, one thousand nine hundred and seventy-seven.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

CERTIFICATE

I, Allen J. Beermann, Secretary of State of the State of Nebraska do hereby certify that TO ALL TO WHOM THESE PRESENTS SHALL COME GREETING KNOW YE, that I, Allen J. Beermann, Secretary of State of the State of Nebraska, reposing special trust and confidence in the integrity, patriotism and ability of JO ANN S. KIMBALL, Lincoln, NE, on behalf and in the name of the State do hereby appoint and commission her a MEMBER OF THE NEBRASKA ACCOUNTABILITY AND DISCLOSURE COMMISSION and do authorize and empower her to discharge the duties of said office according to law; this appointment to take effect and be in force on and after confirmation by the Legislature 1977, and to continue for such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until as provided by law.

Further, I hereby certify that her appointment is made under the provision of Nebraska's Statute 49-14,105 R.S. Nebraska 1943, 1976 Cumm Supp. and said appointment represents the six year term and is made from the Republican Party List of Nominees.

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

Done at Lincoln this twenty-fourth day of February in the year of our Lord, one thousand nine hundred and seventy-seven.

(Signed) Allen J. Beermann
Secretary of State

(SEAL)

ATTORNEY GENERAL'S OPINIONS

Opinion No. 26
February 25, 1977

Dear Senator Barnett:

You have requested the opinion of this office concerning whether the titles to LBs 39, 40 and 41 adequately express the subject contained in those bills within the meaning of Article III, Section 14 of the Nebraska Constitution.

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 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 furthermore stated the purpose of said constitutional provision to be in Blackledge v. Richards, 194 Neb. 188, 231 N.W.2d 319:

> "...The purpose of Article III, section 14, of the Nebraska Constitution, is to prevent surreptitious legislation. This court will not strike down an act of the Legislature under this provision of the Constitution if it can be said that the title calls attention to the subject matter of the bill. ..."

The court then proceeds to hold that the challenged section was germane to the purpose announced in the title to the act and therefore the challenged section was not enacted in violation of the Nebraska Constitution.

The title to all three legislative bills reads in part as follows:

> "For an act relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections ..."

Your question is essentially whether the title of the act is broad enough to encompass within its meaning changes in penalties including those instances wherein the penalty is increased. In light of the liberal interpretations historically given section 14 of Article III, we are of the opinion that the titles to the bills in question are valid and not in conflict with the Nebraska Constitution. It is our opinion that if the court were presented with such a question it would hold that a change in penalty, whether an increase or decrease, incidental to the assignment of various violations into classes of criminal behavior under the proposed Nebraska Criminal Code, is germane to the purpose expressed in the titles of the bills in question.

Yours very truly,
PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:pjf
cc: Vincent D. Brown
Clerk of the Nebraska State Legislature

Opinion No. 27
February 24, 1977

Dear Senator DeCamp:

This is in reply to your inquiry concerning the disposition of part of the funds collected as a result of the issuance of parking tickets for administrative and other costs.

Article VII, Section 5 of the Nebraska Constitution provides as follows:

> "All fines, penalties, and license money, arising under the general laws of the state, . . . shall belong and be paid over to the counties respectively, where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, by-laws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county, shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, . . ."

In School District of McCook v. City of McCook, 163 Neb. 317, 81 N.W.2d 224, an action was brought to determine who was entitled to the monies received under the city's parking meter ordinance. The ordinance provided that if a violator of the ordinance appeared at the police station within 24 hours he should pay 25 cents, 10 cents of the amount to be deemed payment of the parking privilege not previously paid and 15 cents as payment of operation and administration expenses. If the violator appeared after 24 hours but within 72 hours, he should pay $1.25, 10 cents for the unpaid parking privilege and the balance for operation and administrative expenses. If failure to appear within 72 hours subjected the violator to a complaint and warrant of arrest for violation of the ordinance.

In reversing the trial court, which had held that the school district had no right to the funds allocated by the ordinance for operation and administrative expenses, our Supreme Court said:

> ". . The Constitution having provided that such penalties shall be paid over to the common schools, the city may not divert them to any other purpose. The fact that the ordinance of the city may designate a portion as compensatory and the balance for the cost of operation and administration cannot have the effect of changing the true character of these funds. If they be penalties under the constitutional provision, as they are, the city cannot change their character by giving them a name inconsistent with their true character. Since the Constitution is the supreme law of the state, any attempt by a city to make a distribution of funds contrary to its provisions is ineffectual and void."

More recently in School District of Omaha v. City of Omaha, 175 Neb. 21, 120 N.W.2d 267, our Supreme Court reaffirmed the decision in the McCook case and added that neither the Legislature nor the city may divert penalties to any other purpose than the support of the common schools.

In the Omaha case the court held that forfeited recognizance and cash bonds could not, pursuant to city ordinance, be diverted to a police relief and pension fund.

It is therefore very clear that there is no authority to authorize the deduction of administrative costs from monies collected as a result of the issuance of parking tickets.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:pjf
cc: Vincent D. Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 1, 1977, at 8:50 a.m., were the following bills: 122, 136, 144, 194, 227, and 396.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 220. Replaced on Select File as amended.
E & R amendments to LB 220:

(Note: The first set of Schmit amendments refers to the bill prior to the adoption of committee amendments)

1. Because of the Schmit amdnements adopted 2/24, strike E & R amendments 4 and 5, adopted 2/18.

2. Strike the Schmit amendment 7 and renumber original sections 5 to 20 as sections 6 to 21.

LEGISLATIVE BILL 88. Replaced on Select File as amended.
E & R amendments to LB 88:

1. In lieu of the Barnett and Labedz amendment thereto, in committee amendments, line 3 strike ", employee" and insert ";

(1) Employee"; in lines 5, 6, and 9, redesignate subdivisions as (a) to (c); in line 10 strike the first period and insert ":

(2) Department shall mean and include any state agency, department, commission, board, or office, specifically including the University of Nebraska and the state colleges; and

(3) Hours worked shall mean hours for which compensation is paid.".

LEGISLATIVE BILL 267. Placed on Select File as amended.
E & R amendments to LB 267:

1. On page 3, line 7, strike "or counties".

2. In the title, line 5, strike "filing" and insert "recording"; and strike beginning with "to" in line 5 through the semicolon in line 8.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 13.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 503 Thursday, March 10, 1977 12:00 noon

(Signed) Loran Schmit, Chairman

Business and Labor

LB 507 Wednesday, March 9, 1977 1:00 p.m.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Goodrich asked unanimous consent to print the following amendment to LB 92 in the Journal. No objections. So ordered.

Amendment to LB 92

1. On page 2, reinstate the stricken matter in lines 4 through 11 and in line 11, strike "Medical"; in line 10, after the reinstated "settlement" insert ", except (1) commencing July 1, 1977, the county shall pay seventeen per cent of the cost of such medical assistance, (2) commencing July 1, 1978, the county shall pay fourteen per cent of the cost of such medical assistance, (3) commencing July 1, 1979, the county shall pay eleven

per cent of the cost of such medical assistance, (4) commencing July 1, 1980, the county shall pay eight per cent of the cost of such medical assistance, and (5) commencing July 1, 1981, and thereafter, the county shall pay five per cent of the cost of such medical assistance".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 60.

A BILL FOR AN ACT to amend sections 25-1552, 25-1556, and 25-1557, Reissue Revised Statutes of Nebraska, 1943, relating to exemptions; to provide exemptions for people other than heads of families; to delete a limitation on exemptions; 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	Boughn	Brennan	Burrows
Chambers	Cope	DeCamp	Dworak	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Maxey	Merz
Mills	Moylan	Murphy	Newell	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 1:

Duis

Present and not voting, 6:

Carsten	Clark	Fitzgerald	R. Lewis	Marvel
Nichol				

Absent and not voting, 1:

Koch

Excused and not voting, 3:

Cullan	Marsh	Venditte

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

LEGISLATIVE BILL 118. With Emergency.

A BILL FOR AN ACT to amend section 43-229, Revised Statutes Supplement, 1976, relating to separate juvenile courts; to provide that electors may vote to establish such courts at a special election; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 2:

DeCamp Marvel

Absent and not voting, 1:

Koch

Excused and not voting, 3:

Cullan Marsh Venditte

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

LEGISLATIVE BILL 155. Mr. Mills moved to return LB 155 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, 16 nays, and 8 not voting.

The Mills motion to return LB 155 to Select File lost with 7 ayes, 29 nays, 10 present and not voting, and 3 excused and not voting.

A BILL FOR AN ACT to amend sections 21-1405, 21-1406, and 21-1414, Reissue Revised Statutes of Nebraska, 1943, relating to nonstock cooperative marketing companies; to authorize purchase contracts; to change the manner and time of compensating a former member; to conform nonstock cooperative voting requirements to those of stock cooperatives; 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:

Barnett	Boughn	Brennan	Carsten	Clark
Cope	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Merz
Moylan	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 4:

Bereuter	Dworak	Mills	Murphy

Present and not voting, 5:

Burrows	Chambers	Koch	Marvel	Maxey

Excused and not voting, 3:

Cullan	Marsh	Venditte

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

LEGISLATIVE BILL 172. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska State Capitol Environs Protection and Improvement 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Cullan	Marsh	Venditte

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

LEGISLATIVE BILL 183.

A BILL FOR AN ACT to amend section 2-3412, Revised Statutes Supplement, 1976, relating to the Nebraska Poultry and Egg Resources Act; to change provisions relating to the director's powers to exempt individuals from certain fees; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marvel
Maxey	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Warner

Voting in the negative, 0.

Present and not voting, 1:

Merz

Excused and not voting, 3:

Cullan	Marsh	Venditte

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

LEGISLATIVE BILL 255.

A BILL FOR AN ACT to amend section 46-626, Reissue Revised Statutes of Nebraska, 1943, and section 46-630, Revised Statutes Supplement, 1976, relating to conservation districts; to change the time when members of boards of directors are elected; to change the requirement that rules and regulations be mailed to ground water users; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 3:

Kelly Koch Marvel

Excused and not voting, 3:

Cullan Marsh Venditte

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 Rule 6, Sec. 6(b) to read LB 443 on Final Reading today. The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 443.

A BILL FOR AN ACT to amend sections 43-642, 43-645, and 43-647, Revised Statutes Supplement, 1976, relating to the care and education of handicapped children; to define terms; to provide that institutions not wholly owned or controlled by the state or any political subdivision may provide special education programs; to provide for payment of costs as prescribed; and to repeal the original sections, and also section 43-609, Reissue Revised Statutes of Nebraska, 1943.

Voting in the affirmative, 43:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Mills	Moylan	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 3:

Hefner Koch Murphy

Excused and not voting, 3:

Cullan Marsh Venditte

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

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 316. Placed on General File as amended.
Standing Committee amendments to LB 316:

1. On page 2, line 11, after the word "existing" add "or future"; and insert a new section 2 as follows:

"Sec. 2. Such road shall be laid out to correspond to section lines where feasible.".

2. Renumber original section 2 as section 3.

(Signed) Maurice Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Standing Committee amendment No. 2 found in the Journal on page 352 for the Sixteenth Day was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Barnett offered the following amendments:
Amendments to Article 2 – LB 38
(1) Page 12, line 9, strike "crime" and insert "felony".

(2) Page 13, line 1 after the period, insert "A person prosecuted for a criminal conspiracy shall be acquitted if such person proves by a preponderance of the evidence that his or her conduct occurred in response to an entrapment."

(3) Page 13, line 10, strike "crime" and insert "felony".

(4) Page 14, strike lines 5 and 6 and renumber.

(5) Page 14, strike "crime" in lines 11, 12 and 13 and insert "felony".

(6) Page 14, strike lines 14 through 16 and renumber.

The Barnett amendment (1) was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

The Barnett amendment (2) was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

The Barnett amendment (3) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Barnett amendment (4) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Barnett amendment (5) and (6) were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Chambers moved to change the Speaker's order to allow the members to speak on this longer than one hour.

The motion lost with 9 ayes, 17 nays, 20 present and not voting, and 3 excused and not voting.

Laid over.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 219. Placed on Select File as amended.
E & R amendments to LB 219:

1. On page 4, line 3, strike the first "and".
2. In the title, line 4, insert "sales" after "food".

(Signed) Samuel K. Cullan, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 230A. By Savage, 10th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 230, Eighty-fifth Legislature, First Session, 1977.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 380. Placed on General File as amended.
Standing Committee amendments to LB 380:

1. On page 4, line 18, after the period, insert "A psychologist failing such examination may appeal to the board for a hearing and review of the examination. After such hearing and review, the board may grant certification, appoint another examination committee, or affirm the judgment of the original examiners.".

2. On page 5, strike beginning with "school" in line 10 through the underscored comma in line 11; strike beginning with the underscored comma in line 18 through the underscored comma in line 20; and in line 22, strike the first underscored comma and insert "or", and strike ", or registration".

(Signed) Richard Lewis, Chairman

Revenue

LEGISLATIVE BILL 270. Placed on General File.
LEGISLATIVE BILL 360. Placed on General File.

(Signed) Orval Keyes, Chairman

COMMITTEE ON COMMITTEES

February 24, 1977

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.

Mrs. Tom Creigh – Nebraska Arts Council

Senators Marsh and Cope appeared in support of Mrs. Creigh. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Koch, F. Lewis, Marsh, Savage, DeCamp. Against: None. Not voting: None. Excused: Senators Labedz, Moylan, Murphy, Mills, and Rasmussen. Absent: None.

Mrs. Madeline Coder – Educational Television Commission

Senator Frank Lewis and Senator Rumery appeared in support of Mrs. Coder. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Koch, F. Lewis, Marsh, Savage, and DeCamp. Against: None. Not Voting: None. Excused: (5) Senators Labedz, Moylan, Murphy, Mills, and Rasmussen. Absent: None.

Mrs. Pat Petersen
Board of Public Roads Classifications and Standards

Mr. Bruce Gillan appeared in support of Mrs. Petersen's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Koch, F. Lewis, Marsh, Savage, and DeCamp. Against: None. Not Voting: None. Excused: (5) Senators Labedz, Moylan, Murphy, Mills, and Rasmussen. Absent: None.

Mr. Donald W. Droud
Motor Vehicle Industry Licensing Board

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Koch, F. Lewis, Marsh, Savage, and DeCamp. Against: None. Not voting: None. Excused: (5) Senators Labedz, Moylan, Murphy, Mills, and Rasmussen. Absent: None.

(Signed) John S. Savage, Chairman

ANNOUNCEMENT

Mr. Dworak announced that the Miscellaneous Subjects Committee will hold an executive session Thursday, March 3, 1977, at 2:00 p.m.

RESOLUTION

LEGISLATIVE RESOLUTION 18.

Introduced by F. Lewis, 45th District; Brennan, 9th District; Fitzgerald, 14th District.

WHEREAS, Blanche N. Burrows was a resident of Adams, Nebraska for more than 82 years; and

WHEREAS, Mrs. Burrows was a graduate of Nebraska Wesleyan University and a founding member of the United Methodist Church of Adams and was active in many civic groups in Adams and Gage County;

and

WHEREAS, Mrs. Burrows devoted a lifetime to her husband Chase Burrows, former member of the Nebraska House of Representatives in 1917, and to her children, Roberta, Dorothy, and George Burrows; and

WHEREAS, Blanche N. Burrows was released from this life on February 28, 1977.

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

1. That the members of the Legislature express their sympathy to the family of Blanche N. Burrows.

2. That a copy of this resolution be presented to her son, State Senator George Burrows, on behalf of his family as a tangible symbol of the best wishes for the Burrows family by the Nebraska Legislature.

Mr. F. Lewis moved to suspend the Rules to consider LR 18 today. The motion prevailed with 33 ayes, 0 nays, 13 present and not voting and 3 excused and not voting.

LR 18 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT – Member Excused

Mr. Hefner asked unanimous consent to be excused Wednesday, March 2, 1977. No objections. So ordered.

MOTION – Introduce Bill

Mr. F. Lewis moved the introduction of a new bill by the Committee on Education. (Req. No. 802).

The motion prevailed with 34 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 508. By Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Kremer, 34th District; Kahle, 37th District; Maxey, 46th District; Lamb, 43rd District.

A BILL FOR AN ACT relating to schools; to provide financial support to certain school districts by public power districts as prescribed.

SELECT FILE

LEGISLATIVE BILL 22. Mr. Simon asked unanimous consent to bracket LB 22 until March 21, 1977.

Mr. Swigart objected.

Mr. Simon moved to bracket LB 22 until March 21, 1977.

Mr. Schmit moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Simon asked unanimous consent to withdraw his motion. No objections. So ordered.

Mr. Simon asked unanimous consent to bracket LB 22 until March 11, 1977.

Mr. Newell objected.

Mr. Simon moved to bracket LB 22 until March 11, 1977.

The motion prevailed with 27 ayes, 9 nays, 11 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 275A. By Kelly, 35th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Eighty-fifth Legislature, First Session, 1977.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 141. Indefinitely postponed.
LEGISLATIVE BILL 150. Indefinitely postponed.
LEGISLATIVE BILL 195. Indefinitely postponed.

(Signed) Walter George, Chairman

MESSAGE FROM THE GOVERNOR

February 25, 1977

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

Dear Mr. President and Senators:

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

Mimi Waldbaum, 1327 So. 91st Ave, Omaha 68124, for a term expiring July 1, 1978
James M. Davis, 11634 Camden St., Omaha, for a term expiring July 1, 1982
Terry Carpenter, 2309 4th Ave, Scottsbluff 69361, for a term expiring July 1, 1980

I respectfully submit these appointments for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Mimi Waldbaum
James M. Davis
Terry Carpenter
Committee on Committees

MOTION–Place LB 43 on General File

Mr. Bereuter moved to place LB 43 on General File notwithstanding the committee action.

Motion pending.

VISITORS

The Chair introduced 19 senior students and teacher from Giltner, Nebraska; 35 sixth grade students and sponsor from Friend; 34 kindergarden students and teacher from Kahoa School, Lincoln; 28 fourth grade students and teacher from Westbrook, Omaha; 3 groups of third and

fourth grade students and teacher from Waverly; 8 senior students and sponsor from Aurora; and 72 High School students and teacher from West Point.

ADJOURNMENT

At 11:37 a.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, March 2, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FOURTH DAY—MARCH 2, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 2, 1977

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Luedtke 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 if 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 except Messrs. F. Lewis, Hefner, and Mrs. Marsh who were excused; Messrs. Brennan, Venditte, Stoney, Murphy, Mills, Simon, and R. Lewis who were excused until they arrive; and Mrs. Labedz who was absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

Thirty-First Day, page 612, line 24, delete DeCamp, add Cullan.

The Journal for the Thirty-First Day was approved as corrected.

The Journal for the Thirty-Third Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. F. Lewis asked unanimous consent to be excused March 2, 3, and 4, 1977. No objections. So ordered.

MESSAGES FROM THE ACTING GOVERNOR

February 28, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 66.

This bill was signed by Governor Exon on February 25, 1977, and has been delivered to the Secretary of State.

Very truly yours,

(Signed) Gerald T. Whelan
Acting Governor

GTW:do2

February 28, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 410 and 477.

These bills were signed by me on February 28, 1977, and delivered to the Secretary of State.

Very truly yours,

(Signed) Gerald T. Whelan
Acting and Lieutenant Governor

GTW:do2

ATTORNEY GENERAL'S OPINION

Opinion No. 30
March 1, 1977

Dear Senator Warner:

This is in reply to your inquiry which pertains to an appropriation for public radio. Specifically, does the current law governing the Educational Television Commission permit the establishment of public radio to be operated by that Commission or would enabling legislation be necessary before an appropriation could be spent for the purpose of establishing a public radio net work?

The Nebraska Educational Television Commission was created "for the purpose of promoting and establishing noncommercial educational television facilities within the State of Nebraska and providing noncommercial educational television programs throughout the State of Nebraska by standard broadcast or by closed curcuit transmission." Neb. Rev. Stat. Section 79-2101 (Reissue 1971). We are therefore of the opinion that the current law governing the Nebraska Educational Television Commission would not authorize or permit the Commission to establish a public radio network. If a public radio network is to be established, enabling legislation, in our opinion, would be necessary.

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
Public Works

LEGISLATIVE BILL 228. Placed on General File as amended.
Standing Committee amendments to LB 228:

1. Insert a new section 1 as follows:
"Section 1. That section 31-727, Revised Statutes Supplement, 1976, be amended to read as follows:
31-727. (1) A majority of the owners having an interest in the real property within the limits of a proposed sanitary and improvement district, situated in one or more counties in this state, may form a sanitary and improvement district for the purpose of installing electric service lines and conduits, a sewer system, a

water system, a civil defense warning system, a system of sidewalks, public roads, streets, and highways, public waterways, docks or wharfs, and related appurtenances, to contract for water for fire protection and for resale to residents of the district, to contract for police protection and security services, and to contract for gas and for electricity for street lighting for the public streets and highways within said proposed district, to construct and to contract for the construction of dikes and levees for flood protection for the district, and to acquire, improve and operate public parks, playgrounds and recreational facilities; Provided, that sanitary and improvement districts located in any county which has a city of the metropolitan class within its boundaries or in any adjacent county which has adopted a comprehensive plan may contract with other sanitary and improvement districts to acquire, build, improve, and operate public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts. Nothing in this section shall authorize districts to purchase electric service and resell the same. The district, in lieu of establishing its own water system, may contract with any utilities district, municipality or corporation for the installation of a water system and to provide water service for fire protection and for the use of the residents of the district. For that purpose said majority of the owners may make and sign articles of association in which shall be stated (a) the name of the district, (b) that same shall have perpetual existence, (c) the limits of the district, (d) the names and places of residence of the owners of the land in the proposed district, (e) the description of the several tracts of land situated in the district owned by those who may organize the district, (f) the name or names and the description of the real estate owned by such owners as do not join in the organization of the district, but who will be benefited thereby, and (g) whether the purpose of the corporation shall be installing gas and electric service lines and conduits, installing a sewer system, installing a water system, installing a system of public roads, streets, and highways, public waterways, docks or wharfs, and related appurtenances, contracting for water for fire protection and for resale to residents of the district, or contracting for street lighting for the public streets and highways within the proposed district, constructing or contracting for the construction of dikes and levees for flood protection of the proposed district, or acquiring, improving and operating public parks,

playgrounds and recreational facilities, or, where permitted by this section, contracting with other sanitary and improvement districts to acquire, build, improve, and operate public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, or a combination of any one or more of such purposes, or all of such purposes. Such owners of real estate as are unknown may also be set out in said articles as such. No sanitary and improvement district may own or hold land in excess of ten acres, unless such land so owned and held by such district is actually used for a public purpose, as provided in this section, within three years of its acquisition. Any sanitary and improvement district which has heretofore acquired land in excess of ten acres in area and has not devoted the same to a public purpose, as set forth in this section, within three years of the date of its acquisition, shall devote the same to a use set forth in this section, or shall divest itself of such land. When a district divests itself of land pursuant to this section, it shall do so by sale at public auction to the highest bidder after notice of such sale has been given by publication at least three times for three consecutive weeks prior to the date of sale in a legal newspaper of general circulation within the area of the district.

(2) The articles of association, referred to in subsections (1), (3), and (4) of this section, shall further state that the owners of real estate so forming the district for such purposes are willing and obligate themselves to pay the tax or taxes which may be levied against all the property in the district and special assessments against the real property benefited which may be assessed against them, to pay the expenses that may be necessary to install a sewer, or water system, or both a sewer and water system, the cost of water for fire protection, the cost of grading, changing grade, paving, repairing, graveling, regraveling, widening, or narrowing sidewalks and roads, resurfacing or relaying existing pavement, or otherwise improving any public roads, streets, or highways within the district, the cost of constructing public waterways, docks or wharfs, and related appurtenances, the cost of constructing or contracting for the construction of dikes and levees for flood protection for the district, and the cost of electricity for street lighting for the public streets and highways within the district, the cost of installing gas and electric service lines and conduits, the cost of

acquiring, improving and operating public parks, playgrounds, and recreational facilities, and, where permitted by this section, the cost of contracting for building, acquiring, improving, and operating public parks, playgrounds, and recreational facilities, as provided by law.

(3) The articles, referred to in subsections (1), (2), and (4) of this section, shall propose the names of five or more trustees, who shall be owners of real estate located in the proposed district, to serve as a board of trustees until their successors are elected and qualified, should said district be organized. No corporation formed or hereafter formed shall perform any new functions, other than those for which the corporation was formed, without amending its articles of association to include the new function or functions.

(4) After the articles referred to in subsections (1), (2), and (3) of this section are signed, the same shall be filed in the office of the clerk of the district court of the county in which such sanitary and improvement district is located or, if such sanitary and improvement district is composed of tracts or parcels of land in two or moe different counties, in the office of the clerk of the district court for the county in which the greater portion of such proposed sanitary and improvement district is located, together with a petition praying that the same may be declared a sanitary and improvement district under sections 31-727 to 31-762.

(5) For the purposes of sections 31-727 to 31-762, unless the context otherwise requires:

(a) Public waterways shall mean artificially created boat channels dedicated to public use and providing access to navigable rivers or streams;

(b) Operation and maintenance expenses shall mean and include, but not be limited to, salaries, cost of materials and supplies for operation and maintenance of the district's facilities, cost of ordinary repairs, replacements, and alterations, cost of surety bonds and insurance, cost of audits and other fees, and taxes;

(c) Capital outlay shall mean expenditures for construction or reconstruction of major permanent facilities having an expected long life, including, but not limited to, street paying and curbs, storm and sanitary sewers, and other utilities;

(d) Warrant shall mean a short-term interest-bearing order payable on a specified date issued by the board of trustees of a sanitary and improvement district to be paid from funds expected to be received in

the future, including, but not limited to, property tax collections, special assessment collections, and proceeds of sale of general obligation bonds; and

(e) General obligation bond shall mean a long-term written promise to pay a specified sum of money, referred to as the face value or principal amount, at a specified maturity date or dates in the future, plus periodic interest at a specified rate.".

2. Insert a new section 3 as follows:

"Sec. 3. That section 31-735.02, Revised Statutes Supplement, 1976, be amended to read as follows:

31-735.02. The county clerk or election commissioner shall certify the results of the election to the district. The board shall also certify to the district the number of hours worked by the election board. Payment shall be made by the district directly to election board members within forty-five days following such certification. Upon completion of the canvass, the county clerk or election commissioner shall turn all supplies, ballots, and books over to the district for which the election was held.".

3. On page 2, line 23, after the period, insert "In those districts where either two or three trustees are to be elected by the legal property owners of such district, a person filing for the office of trustee shall designate whether he is a candidate for election by the resident owners of such district, or whether he is a candidate for election by the resident and nonresident owners within such district. The name of such candidate shall appear on only one ballot.".

4. On page 3, line 15, after the period, insert "Notice of the time and place of the election shall also be mailed by the clerk of the district to the county clerk of election commissioner at least forty-five days prior to the election.".

5. On page 4, line 10, after "second", insert ", seasonal or recreational"; and in line 12, after the underscored period, insert "If the number of trustees required by this section are not elected, such offices shall be filled by the person receiving the next largest number of votes to those candidates declared elected to the office.".

6. On page 5, line 8, after the period, insert "When ownership of a platted lot or unplatted land is held jointly by two or more persons, whether as joint tenants, tenants in common, limited partners, or any other form of joint ownership, only one person shall be entitled to cast the vote of such property.".

7. Renumber original sections 1 and 2 as sections 2 and 4 respectively.

8. On page 5, line 19, strike "section 31-735," and insert "sections 31-727, 31-735, and 31-735.02,"; and in line 20, strike "is" and insert "are".

LEGISLATIVE BILL 420. Placed on General File as amended.
Standing Committee amendment to LB 420:

1. On page 2, line 5 strike "twenty" and insert "twenty-five".

(Signed) Maurice A. Kremer, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 389 and 389A.

Correctly Enrolled

The following bills were correctly enrolled: 60, 118, 155, 172, 183, 255, and 443.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 60, 118, 155, 172, 183, 255, 443, and LR 18.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will hold an open hearing on appointments to the Nebraska Accountability and Disclosure Commission as provided by Legislative Bill 987, also known as The Nebraska Political Accountability and Disclosure Act, on Thursday, March 10th, at 12:00 Noon, in Room 1113, State Capitol, Lincoln, Nebraska.

Provisions of the bill call for the appointment of three Commission members by the Governor and three by the Secretary of State.

GOVERNOR'S APPOINTMENTS

Mimi Waldbaum, 1327 So. 91st Ave, Omaha, 68124
James M. Davis, 11634 Camden St., Omaha, Nebr.
Terry Carpenter, 2309 - 4th Ave., Scottsbluff

SECRETARY OF STATE'S APPOINTMENTS

Ralph W. Slocum, 3900 Sheridan Boulevard, Lincoln
Lola Jean Staley, 1108 Mason Plaza, Omaha
Jo Ann S. Kimball, 1230 Fall Creek Road, Lincoln

(Signed) John S. Savage, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 95.

A BILL FOR AN ACT to amend section 19-901, Revised Statutes Supplement, 1976, relating to zoning; to provide when certain comprehensive planning requirements shall not apply to first and second-class cities and villages 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, 38:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Kahle	Kelly	Keyes
Koch	Kremer	Lamb	Luedtke	Maresh
Marvel	Maxey	Merz	Moylan	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Swigart	Warner		

Voting in the negative, 0.

Absent and not voting, 1:

Labedz

Excused and not voting, 10:

Brennan	Hefner	F. Lewis	R. Lewis	Marsh
Mills	Murphy	Simon	Stoney	Venditte

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

LEGISLATIVE BILL 357.

A BILL FOR AN ACT to amend section 77-2704, Revised Statutes Supplement, 1976, relating to taxation; to exempt certain facilities from the imposition of sales and use taxes; to provide when the appointment of purchasing agents shall not be recognized; 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	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	DeCamp	Duis	Fowler
George	Goodrich	Hasebroock	Kahle	Kelly
Keyes	Koch	Kremer	Lamb	R. Lewis
Luedtke	Maresh	Maxey	Merz	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Cullan	Dworak	Fitzgerald	Marvel

Absent and not voting, 1:

Labedz

Excused and not voting, 7:

Brennan	Hefner	F. Lewis	Marsh	Mills
Stoney	Venditte			

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

LEGISLATIVE BILL 475. With Emergency.

A BILL FOR AN ACT to amend section 5, Legislative Bill 684, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase 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, 37:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Kelly	Keyes	Koch	Kremer
Lamb	R. Lewis	Luedtke	Maresh	Maxey
Merz	Moylan	Murphy	Newell	Nichol
Rasmussen	Rumery	Savage	Schmit	Simon
Swigart	Warner			

Voting in the negative, 0.

Present and not voting, 4:

Fitzgerald	Kahle	Marvel	Reutzel

Absent and not voting, 1:

Labedz

Excused and not voting, 7:

Brennan	Hefner	F. Lewis	Marsh	Mills
Stoney	Venditte			

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

MOTION—Rule Changes

Mr. Newell offered the following rule changes:

Amend Rule 3, Sec. 10 (a) and (b) to read as follows:

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~~ ten legislative days.

(b) Any senator may move that a bill be placed on General File ~~twenty~~ ten 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.

Amend Rule 3, Sec. 12 to read as follows:
Sec. 12. Indefinitely Postponed Bills. If the standing committee report on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; Provided, that such bill may be placed on General File or referred back to the standing committee by a ~~three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report~~. majority vote of the elected members. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Referred to the Rules Committee.

EXPLANATION OF VOTE

Had I been present I would have voted Aye on LB 95, LB 357, and LB 475 on Final Reading.

(Signed) Larry Stoney, Chairman

MR. MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Standing Committee amendment No. 3 found in the Journal on page 352 for the Sixteenth Day was adopted with 27 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. DeCamp offered the following amendments:
Article 3 -- Pages 14 to 32

1. Page 14, line 25, strike "crime" and insert "felony".
2. Page 15, line 4, strike "or suspected commission"; line 5, strike the two words "crime" and insert "felony" in their place.
3. Page 22, line 23 strike "eighteen", insert "nineteen"; line 24, strike "sixteen" insert "fifteen".
4. Page 24, line 19 strike "implementing, condoning, or approving" insert "legislatively encouraging"; line 24, insert a semi-colon after "possible" and strike the remainder of line 24, and strike lines 25 and 26.
5. Page 25, line 4 strike "Supreme Court's" and insert "United States Supreme Court"; after "decision" insert "of January 22, 1973"; line 10 strike the semi-colon after "abortion" and insert ", and;" ; strike lines 11 through 14; in line 15, strike "(5)" and insert "(4)"; line 18 strike the period and insert "and education.".
6. Page 27, line 10, strike "all reasonably".
7. Page 28, strike lines 3 through 19; renumber all sections; line 20 and 23, strike "or prescribing", line 26 after "No" insert "private"; line 26 after "or" insert "any"; line 27 after "other" insert "private".
8. Page 29, line 6 after "any" insert "private"; line 9 strike "or directly"; line 10 after "participate" insert "directly"; line 17 after "participate" insert "directly".
9. Page 30, line 16 strike "or prescribed".
10. Page 31, line 16, strike, beginning with the word "The" through the last period in line 20.

The DeCamp amendment No. 1 was adopted with 25 ayes, 0 nays, 18 present and not voting, 1 absent and not voting, and 5 excused and not voting.

The DeCamp amendment No. 2 was adopted with 25 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused until she arrives. No objections. So ordered.

The DeCamp amendment No. 3 was considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 22:

Barnett	Boughn	Burrows	Clark	DeCamp
Dworak	Fowler	George	Keyes	Koch
Luedtke	Marvel	Merz	Mills	Moylan
Newell	Reutzel	Rumery	Savage	Schmit
Simon	Warner			

Voting in the negative, 17:

Brennan	Carsten	Cope	Cullan	Goodrich
Hasebroock	Kahle	Kelly	Kremer	Lamb
R. Lewis	Maresh	Murphy	Nichol	Rasmussen
Stoney	Swigart			

Present and not voting, 5:

Bereuter	Chambers	Duis	Fitzgerald	Maxey

Excused and not voting, 5:

Hefner	Labedz	F. Lewis	Marsh	Venditte

The DeCamp amendment No. 3 lost with 22 ayes, 17 nays, 5 present and not voting, and 5 excused and not voting.

Mr. Newell moved the Call be raised.

The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The DeCamp amendments No. 4 through 10 pending.

SPEAKER LUEDTKE PRESIDING

EXPLANATION OF VOTE

Had I been present during Final Reading, I would have voted yes on LB 95, LB 357, and LB 475.

(Signed) Jack Mills

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 197. Indefinitely postponed.
LEGISLATIVE BILL 242. Indefinitely postponed.

LEGISLATIVE BILL 371. Indefinitely postponed.
LEGISLATIVE BILL 433. Indefinitely postponed.

(Signed) Loran Schmit, Chairman

UNANIMOUS CONSENT–Print in Journal

Messrs. Bereuter & Fowler asked unanimous consent to print amendments to LB 449. (Printed separate from the Journal and on file in the Clerk's office – Req. No. 2538). No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 479. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 491. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 492. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 29. E & R amendment found in the Journal on page 628 for the Thirty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 393. E & R amendments found in the Journal on page 628 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 224. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 399. Mr. Maresh offered the following amendment:

1. Strike section 2 and renumber original section 3 as section 2.

2. On page 3, lines 13 and 14, strike "sections 48-1,104 and 48-1,109" and insert "section 48-1,104"; and in line 14 strike "are" and insert "is".

The amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 268. E & R amendments found in the Journal on page 628 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 308. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 314. E & R amendments found in the Journal on page 629 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 103. E & R amendments found in the Journal on page 629 for the Thirty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 219. E & R amendment found in the Journal on page 660 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 267. E & R amendments found in the Journal on page 652 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in the Journal on page 651 for the Thirty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 88. E & R amendment found in the Journal on page 651 for the Thirty-Third Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 220 to Select File

Mr. Maresh moved to return LB 220 to Select File for his specific amendment found in the Journal on page 619 for the Thirty-First Day.

Mr. Maresh moved for a Call of the House. The motion lost with 16 ayes, 18 nays, and 15 not voting.

The Maresh motion to return LB 220 lost with 15 ayes, 16 nays, 14 present and not voting, and 4 excused and not voting.

MOTION—Return LB 88 to Select File

Mr. Barnett moved to return LB 88 to Select File for the specific amendment found in the Journal on page 639 for the Thirty-Second Day.

Mr. Barnett moved for a Call of the House. The motion lost with 16 ayes, 19 nays, and 14 not voting.

The Barnett motion to return LB 88 to Select File lost with 18 ayes, 18 nays, 9 present and not voting, and 4 excused and not voting.

MOTION–Return LB 88 to Select File

Mrs. Labedz moved to return LB 88 to Select File for the following specific amendment:

1. Strike lines 5 and 6 of the Barnett amendment on page 613 of the Journal and insert "(2) Overtime pay is computed on the basis of hours worked.".

The motion prevailed with 28 ayes, 9 nays, 8 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 88. The Labedz specific amendment found in this day's Journal was adopted with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Print in Journal

Mr. Brennan asked unanimous consent to print the following amendment to LB 446 in the Journal. No objections. So ordered.

Amendment to LB 446:

Section 1. That section 79-1248, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1248. A contract for the employment of a teacher or administrator for a public school in the State of Nebraska shall be in writing. The contract form or forms to be used shall be recommended by the Department of Education. No contract issued by a school board shall in any way restrict the rights that a teacher or administrator has under the provisions of section 79-1254 to 79-1254.04.

Sec. 2 That original section 79-1248, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Mr. Chambers asked unanimous consent to print the following amendment to LB 314 in the Journal. No objections. So ordered.

Amendment to LB 314:

1. On page 18, line 16 after "1943," insert
"and section 60-403.02, Revised Statutes Supplement, 1976,".
2. In the title line 14 after "1943" insert
", and section 60-403.02, Revised Statutes Supplement, 1976".

MOTION—Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor (Req. No. 781).

The motion prevailed with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 509. By Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Brennan, 9th District; Murphy, 17th District; Lamb, 43rd District; Rasmussen, 41st District.

A BILL FOR AN ACT to amend sections 48-602, 48-603, 48-604, 48-627, 48-628.02, 48-652, and 48-661, Reissue Revised Statutes of Nebraska, 1943, and sections 48-628 and 48-649, Revised Statutes Supplement, 1976, relating to the employment security law; to change certain provisions of the employment security law; to define terms; to provide employers coverage for certain employing units; to include certain services as services in employment; to amend the method of fiancing benefits paid to employees of the State of Nebraska; to provide for transition; and to repeal the original sections.

UNANIMOUS CONSENT—Bracket LB 33 and LB 33A

Mr. Koch asked unanimous consent to bracket LB 33 and LB 33A on General File until March 17, 1977. No objections. So ordered.

VISITORS

The Chair introduced Roberta Schmid from Ohio and Dorothy Young from Montana; and 40 first grade students and sponsors from Arnold School, Lincoln.

ADJOURNMENT

At 12:02 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-FIFTH DAY--MARCH 3, 1977

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY—MARCH 3, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 3, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty and 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 tax-payer who must do it. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Marsh and Messrs. F. Lewis and Venditte who were excused; Messrs. Mills and Stoney who were excused until they arrive; Mrs. Maxey who was absent until 9:15 a.m.; and Messrs. Swigart absent until 9:40 a.m., Kelly, Kremer, R. Lewis and Moylan absent until 10:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fourth Day was approved.

UNANIMOUS CONSENT–Member Excused

Mr. Venditte asked unanimous consent to be excused Thursday, March 3, 1977 and Friday, March 4, 1977. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 31

March 2, 1977

Dear Senator DeCamp:

You have asked for our comments on a variety of questions relating to ground water, several of which have been historically perplexing. Apparently you are interested in obtaining a general legal background on ground water issues as you ask no specific questions concerning any particular bill. For this reason, in addition to our following general analysis of the questions you have raised, we refer you to two sources: First, general background information on ground water laws and problems in Nebraska, along with recommendations, is contained in the Platte River Basin-Nebraska Level B Study (Missouri River Basin Commission, March 1975), and secondly, a legal study of the issues relating to ground water in this state is found in Harnsberger, 52 Neb. L.Rev. 179 (1973). The latter article contains many citations to other sources if you are interested in further inquiry.

You first ask about the interest an individual has in water underlying his land. We will assume for the present that you are referring to ground water as described in section 46-635, R.R.S. 1943, and section 46-657 (2), R.S.Supp., 1976, which define the term as "that water which occurs or moves, seeps, filters, or percolates through ground under the surface of the land." In Olson v. City of Wahoo, 124 Neb. 802, 248 N.W. 304 (1933), our court stated:

> "...(T)he owner of land is entitled to appropriate subterranean waters found under his land, but he cannot extract and appropriate them in excess of a reasonable and beneficial use upon the land which he owns, especially if such use is injurious to others who have substantial rights to the waters, and if the natural underground supply is insufficient for all owners, each is entitled to a reasonable proportion of the whole, and while a lesser number of states have adopted this rule, it is, in our opinion, supported by the better reasoning."

This proposition has apparently been adopted by our Supreme Court as the rule in this state by subsequent decisions. See, e.g., Luchsinger v. Loup River Public Power Dist., 140 Neb. 179, 299 N.W. 549 (1941);

Metropolitan Utilities Dist. of Omaha v. Merritt Beach Co., 179 Neb. 783, 140 N.W.2d 626 (1966). (The latter case did not mention the apportionment in times of insufficient supply portion of the rule.) The above cited rule, however, may not apply to underground streams as noted in the Olson decision.

Under the Supreme Court decisions it is virtually impossible to ascertain with certainty the exact nature of the proprietary interest, if any, an individual has to water under his land. Generally, the water is not "owned" as one would own a parcel of real estate, but a right to use the water may be acquired. Whether an individual who actually withdraws ground water and applies it to a reasonable and beneficial use thereby acquires a vested property right requiring just compensation under Article I, Section 21, of the Nebraska Constitution when the use of the water is taken or restricted for a public purpose is a perplexing question. This is largely due to the fact that the Olson rule seems to be a hybrid of two other rules: The American Rule and the California Correlative Rights Rule. Under the American Rule, a landowner can withdraw all the water beneath his land as long as it is applied to a beneficial and reasonable use of his land. The needs of other users or the amount of injury they sustain is irrelevant under this rule. The California Correlative Rights doctrine provides that each landowner has an equal and reciprocal right to apply ground water beneath his land to a beneficial use. The water is apportioned between the overlying landowners on the basis of their comparative reasonable needs when there is an insufficient supply. The former rule contemplates a proprietary interest while the latter does not. (See, Harnsberger, supra, at 204 through 210.) Thus, the individual's proprietary status under the Olson rule remains a question mark. Whatever the nature of the individual's right under Nebraska case law, it is generally agreed that such right does not attach unless and until the individual actually withdraws the water and applies it to a reasonable beneficial use. (See, Harnsberger, supra, at 267.)

Aside from the murky issue of whether current users of ground water have a vested property right in that water, the Legislature has broad authority to regulate the use of ground water. It is a basic tenant of our form of government that the Legislature has plenary legislative authority except as otherwise limited by state or federal Constitutions. Orleans Education Association v. School Dist. of Orleans, 193 Neb. 675, 229 N.W. 2d 172 (1975). The general police powers of the state would provide a basis for such an exercise of legislative authority. The language in Olson referring to apportionment in times of insufficient water supply may also provide a basis for state regulation and restriction of the use of ground water in times of shortage. Likewise, the Legislature may define and regulate what uses are not reasonable and beneficial under the Olson rule and protect other water users from injurious uses by ground water users. In Metrolpolitan Utilities Dist. of Omaha v. Merritt Beach Co., supra, the court, recognizing the need for control and regulation of ground water, stated that it was "preserving the right of the Legislature, unimpaired, to determine the policy of the state as to underground waters and the rights

of persons in their use." This may indicate the court's view that the Legislature has virtually unfettered authority to define rights and regulate use in this area.

Your next question concerns the origin of the individual's and the state's respective rights to ground water. As noted above, the landowner's right to ground water has been defined and established by the courts. The state's authority stems in large part from its inherent police powers and its general grant of legislating authority under Article III, Section 1, of the Nebraska Constitution. There are few constitutional or statutory provisions relating to ground water. Article XV, Section 4, of our Constitution states:

> "The necessity of water for domestic use and for irrigation purposes in the State of Nebraska is hereby declared to be a natural want."

This section applies to ground water but its meaning is unclear. At most, it may be argued that it merely implies that ground water "must be reasonably used for a beneficial purpose without waste." See, Metropolitan Utilities Dist. of Omaha v. Merritt Beach Co., supra. No "rights" to the use of ground water by an individual have thus far been established by statute in this state other than a preference statute establishing a priority for domestic, agricultural and manufacturing or industrial uses. Section 46-613, R.R.S. 1943. The Legislature has, however, enacted some legislation enabling the state to regulate the spacing, location and registration of certain wells, a permit system for city ground water supplies, and a procedure for the natural resource districts and the state to establish control areas with powers to restrict or deny further use of ground water in times of insufficient water supplies. You may find these provisions in Article 6, Chapter 46, of the Revised Statutes of Nebraska, as amended to date.

You further inquire as to whether there is any ambiguity in the law on ground water in this state and if so, from whence it originates. As noted above, the questions of whether, under what circumstances and to what extent an individual may have a vested property right in the use of ground water which he applies to a beneficial and reasonable use remains unresolved. This may be relevant in the event the Legislature chooses to restrict these rights. There are, of course, other areas of uncertainty such as the relative rights of ground water users compared to appropriators and riparians, but due to time and resource limitations it would be virtually impossible to provide you with a complete analysis of these problems in the reasonably near future. In any event, it is our policy to confine our comments to specific questions raised by particular provisions of proposed legislation.

You next inquire whether a change in the proprietary interest of the individual could be done statutorily or constitutionally. As noted above, the Legislature has full authority to regulate this area within constitutional limitations. A constitutional provision could also properly produce a

change of this nature. Again, compensation may be required under Article I, Section 21, of the Constitution. Similarly, ground water could be dedicated to the public use either by statute or by constitutional amendment within existing constitutional limitations. What has been said in response to this question should not be construed to mean that any statute or constitutional amendment defining the rights of ground water users or regulating the use of such water will necessarily pass constitutional muster. We will address in more detail any specific questions you have concering the legal problems involved in any particular piece of proposed legislation.

Your last question involving the comparative rights of individuals in the event of "state ownership in toto" is impossible to answer at this time since our response would depend entirely upon the provisions of law which established such state "ownership." The comparative rights of individuals in such a situation would be a proper subject for the Legislature to address.

Sincerely,
PAUL L. DOULGAS
Attorney General

(Signed) Steven C. Smith
Assistant Attorney General

SCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

ANNOUNCEMENT

Mr. Koch announced the Constitutional Revision and Recreation Committee will meet in Executive Session on Thursday, March 3, 1977, at 2:00 p.m. in the Supreme Court Hearing Room.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 393. Replaced on Select File as amended.
E & R amendment to LB 393:
1. In committee amendments, page 2, line 2, insert "to" after "not".

LEGISLATIVE BILL 399. Replaced on Select File as amended.
E & R amendment to LB 399:
1. In the title, strike line 2 and insert:
"FOR AN ACT to amend section 48-1,104,"; strike beginning

with "to" in line 6 through the semicolon in line 7; and
in line 8 strike "sections" and insert "section".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 409. Indefinitely postponed.
LEGISLATIVE BILL 412. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 3, 1977, at 8:55 a.m., were the following bills: 60, 118, 155, 172, 183, 255, and 443.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 479, 491, and 492.

Correctly Enrolled

The following bills were correctly enrolled: 95, 357, and 475.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 95, 357, and 475.

ANNOUNCEMENT

Mr. Cullan announced former Senator Stull is recovering from surgery.

MOTION–Suspend Rules

Mr. DeCamp moved to suspend Rule 3, Sec. 5 to hold hearings on LB 506 and LB 502 next week.

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 506	Monday, March 7, 1977	3:30 p.m.
LB 502	Tuesday, March 8, 1977	3:00 p.m.

(Signed) John DeCamp, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 129.

A BILL FOR AN ACT to amend section 37-204, Revised Statutes Supplement, 1976, relating to hunting and fishing permits; to provide for a three-day nonresident fishing permit; 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 inthe affirmative, 37:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Labedz	Lamb	Luedtke
Maresh	Marvel	Merz	Murphy	Newell
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Warner			

Voting in the negative, 0.

Present and not voting, 1:

Nichol

Absent and not voting, 6:

Kelly	Kremer	R. Lewis	Maxey	Moylan
Swigart				

Excused and not voting, 5:

F. Lewis	Marsh	Mills	Stoney	Venditte

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

LEGISLATIVE BILL 294. With Emergency.

A BILL FOR AN ACT relating to the Attorney General; to limit duties of agency legal counsel; to permit the appointment of more than one deputy; to delete a minimum salary provision; to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, and section 84-206, Revised Statutes Supplement, 1976; 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:

Barnett	Bereuter	Boughn	Brennan	Carsten
Clark	Cope	DeCamp	Duis	Dworak
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Labedz	Lamb
Luedtke	Maresh	Maxey	Merz	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Warner		

Voting in the negative, 1:

Cullan

Present and not voting, 5:

Burrows	Chambers	Fitzgerald	Marvel	Rasmussen

Absent and not voting, 5:

Kelly	Kremer	R. Lewis	Moylan	Swigart

Excused and not voting, 5:

F. Lewis	Marsh	Mills	Stoney	Venditte

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

GENERAL FILE

LEGISLATIVE BILL 83. Title read. Considered.

Standing Committee amendments found in the Journal on page 481 for the Twenty-Fourth Day were adopted with 26 ayes, 0 nays, 13 present and not voting, 5 absent and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 14 present and not voting, 5 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 302. Title read. Considered.

Standing Committee amendment found in the Journal on page 491 for the Twenty-Fourth Day was adopted with 26 ayes, 1 nay, 12 present and not voting, 5 absent and not voting, and 5 excused and not voting.

Mr. Newell offered the following amendment:

1. Insert a new section 2 as follows:
"Sec. 2. The presiding judge of the Court of Industrial Relations shall serve full time, and he shall receive the same salary as a district court judge.".
2. Renumber original section 2 as section 3.

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

Mr. Newell offered the following amendment:

The Presiding judge of the Court of Industrial Relations shall be paid a salary of $150.00 a day.

Amendment pending. Laid over.

LEGISLATIVE BILL 332. Title read. Considered.

Standing Committee amendment found in the Journal on page 503 for the Twenty-Fifth Day was adopted with 29 ayes, 0 nays, 11 present and not voting, 4 absent and not voting, and 5 excused and not voting.

Laid over.

LEGISLATIVE BILL 125. Title read. Considered.

Mr. Kahle moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Kahle moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, 4 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 364. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, 4 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 266. Title read. Considered.

Standing Committee amendments found in the Journal on page 543 for the Twenty-Eighth Day were adopted with 25 ayes, 0 nays, 15 present and not voting, 4 absent and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, 4 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 45. Mr. Murphy asked unanimous consent to bracket LB 45 until March 9, 1977. No objections. So ordered.

LEGISLATIVE BILL 46. Mr. Murphy asked unanimous consent to bracket LB 46 until March 9, 1977. No objections. So ordered.

LEGISLATIVE BILL 98. Mr. Murphy asked unanimous consent to bracket LB 98 until March 9, 1977. No objections. So ordered.

LEGISLATIVE BILL 304. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, 4 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 374. Title read. Considered.

Standing Committee amendment found in the Journal on page 557 for the Twenty-Eighth Day lost with 0 ayes, 20 nays, 20 present and not voting, 4 absent and not voting, and 5 excused and not voting.

Mr. Cullan offered the following amendment:

1. On page 2, line 7, strike the new matter and reinstate the stricken matter; strike the new matter in lines 12 and 13; in line 12, after "handicapped", insert an underscored comma; and in line 14 after "systems", insert "<u>including those motor carriers for hire which may carry elderly or handicapped individuals for a set fare, a donation, or at no cost to such individuals,</u>".

The amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, 4 absent and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, 4 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 332. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, 4 absent and not voting, and 5 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 30
March 1, 1977

Dear Senator Warner:

This is in reply to your inquiry which pertains to an appropriation for public radio. Specifically, does the current law governing the Educational Television Commission permit the establishment of public radio to be operated by that Commission or would enabling legislation be necessary before an appropriation could be spent for the purpose of establishing a public radio network?

The Nebraska EducationalTelevision Commission was created "for the purpose of promoting and establishing noncommercial educational television facilities within the State of Nebraska and providing noncommercial educational television programs throughout the State of Nebraska by standard broadcast or by closed circuit transmission." Neb.Rev.Stat. Section 79-2101 (Reissue 1971). We are therefore of the opinion that the current law governing the Nebraska Educational Television Commission would not authorize or permit the Commission to establish a public radio network. If a public radio network is to be established, enabling legislation, in our opinion, would be necessary.

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

Opinion No. 32
March 2, 1977

Dear Senator Schmit:

In your letter of February 23, 1977 you ask whether the federal government or, more prescisely, the administrator of the Environmental Protection Agency, has the authority, under the Federal Insecticide, Fungicide, and Rodenticide Act to establish a certification program for certification of applicators of pesticides, if Nebraska's plan is not approved by October 21, 1977. We conclude that the administrator has such authority. 7 U.S.C.A. Section 136b provides for certification of applicators. Subsection (a)(1) of that section provides:

> "Subject to paragraph (2), the Administrator shall prescribe standards for the certification of applicators of pesticides. Such standards shall provide that to be certified an individual must be determined to be competent with respect to the use and handling of pesticides, or to the use and handling of the pesticide or class of pesticides covered by such individual's certification."

Paragraph (2) referred to in the above quotation, then provides for state certification. It provides that a state may submit to the administrator a state plan for certification, which the administrator shall approve if it meets certain criteria. Provision is also made for withdrawal of approval if the administrator determines, after a hearing, that the state is not administering the program in accordance with the plan.

On the surface, it would appear that the act contemplates federal certification as the norm, with the state certification as a permissable alternative. You have, however, submitted to us with your letter a copy of an opinion from an Associate Deputy General Counsel in the Environmental Protection Agency, dated November 15, 1976. He makes it clear that this is not what EPA itself contemplates, but that it is expected that the states will submit acceptable plans, and administer them, with EPA exercising a supervisory role of requiring a state plan which meets the requirements of the federal act, and making sure that the states administer their programs in accordance with the plans approved. We have read that opinion, and, so far as we can tell, it correctly analyzes the federal act. Certainly the writer of that opinion is far more knowledgeable than we are as to the plans of EPA in the administration of the act.

In any event, as a legal proposition, in our opinion the act gives EPA the authority to establish and administer a certification program of its own, in the event of the failure of the state to submit a plan which will be approved by the administrator by October 21, 1977.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RhG:ss
cc: Mr. Vincent D. Brown
Clerk of the Legislature

BILL ON FIRST READING

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

LEGISLATIVE BILL 204A. By Merz, 1st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 319. Indefinitely postponed.
LEGISLATIVE BILL 356. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
508	Education
509	Bus. & Labor

(Signed) R. D. Marvel, Chairman, William L. Nichol, John S. Savage, Roland Luedtke, Steve Fowler, and Douglas Bereuter.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Warner asked unanimous consent for the Appropriations Committee to hold public hearings in the East Chamber on Monday, March 7th and Tuesday, March 8th, 1977, at 1:30 p.m. each day. No objections. So ordered.

UNANIMOUS CONSENT–Members Excused

Messrs. Burrows, Fowler, Lamb and Nichol asked unanimous consent to be excused Friday, March 4, 1977. No objections. So ordered.

ANNOUNCEMENT

Mr. George announced an executive session of the Urban Affairs Committee on Wednesday, March 9, 1977 at 1:00 p.m. in the East Lounge.

EXPLANATION OF VOTE

Had I been present I would have voted "aye" on LB 129 on Final Reading.

(Signed) Jack Mills

Had I been present I would have voted "aye" on LB 129 on Final Reading.

(Signed) R. D. Kelly

MOTION–Reconsider Action

Mr. Schmit moved to reconsider action on final passage of LB 294.

Mr. Schmit moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Schmit motion to reconsider prevailed with 26 ayes, 1 nay, 13 present and not voting, 4 absent and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments 4 through 10 found in the Journal on page 679 for the Thirty-Fourth Day. No objections. So ordered.

Mr. Chambers offered the following amendment:
Strike all of Section 40.

The amendment lost with 10 ayes, 25 nays, 10 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendments:
5. Page 24, line 19 strike "implementing, condoning, or approving" insert "legislatively encouraging"; line 24, insert a semi-colon after "possible" and strike the remainder of line 24, and strike lines 25 and 26.

6. On page 25, insert "United States" at the end of line 3; in line 4 insert "of January 22, 1973," after "abortion"; in line 11 strike "in"; in lines 11 and 12 strike ", there are grossly inadequate" and insert "is prevented from providing adequate"; and in line 18 insert "and education" after "regulations".

The amendments were adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Had I been present I would have voted "aye" on the DeCamp 5 and 6 amendment to LB 38.

(Signed) Richard Maresh

MR. SAVAGE PRESIDING

Standing Committee amendments 4, 5, 6, 7, and 8 found in the Journal on page 352 for the Sixteenth Day were adopted with 26 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Laid over.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendment to LB 317:
1. On page 2, line 6, after "resident", insert "immediately".

LEGISLATIVE BILL 372. Placed on General File as amended.
Standing Committee amendment LB 372:
1. On page 2, line 13, after "not", insert "publicly"; in line 15, after "personnel", insert "other than the individual" and strike "and"; in line 16, after "hours", insert "and (e) is not provided for more than nine children in any period of twelve continuous hours".

(Signed) Richard Lewis, Chairman

Judiciary

LEGISLATIVE BILL 165. Placed on General File as amended.
Standing Committee amendment to LB 165:
1. On page 2, line 6, strike "seventeen" and insert "eighteen".

LEGISLATIVE BILL 468. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT–Members Excused

Speaker Luedtke and Mr. Bereuter asked unanimous consent to be excused Friday, March 4, 1977. No objections. So ordered.

ANNOUNCEMENT

Mr. Kremer announced the following members of the Public Works Committee were in a meeting and should have been shown as "excused until they arrive" today:

Senators Kremer, Kelly, Moylan, R. Lewis, Swigart, and Mills.

MOTION–Introduce Bill

Mr. Kremer moved the introduction of a new bill by the Committee on Public Works. (Req. No. 793)

The motion prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 510. By Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Swigart, 8th District; Moylan, 6th District; Merz, 1st District; Boughn, 21st District.

A BILL FOR AN ACT to amend sections 2-1503, 2-1504, 2-1504.02, 2-1507, 23-320.08, 23-922, 72-222, and 85-163.04, Reissue Revised Statutes of Nebraska, 1943, and sections 2-3228 and 74-1305, Revised Statutes Supplement, 1976, relating to natural resources; to delete obsolete language; to harmonize provisions; and to repeal the original

sections, and also sections 2-1508 to 2-1517.03, 2-1518, to 2-1567, 2-3261, 23-320.09, 31-801 to 31-816, 31-821, and 31-823 to 31-837, Reissue Revised Statutes of Nebraska, 1943, and section 31-822, Revised Statutes Supplement, 1976.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet in executive session immediately upon adjournment this morning. Meet under the North Balcony.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused. No objections. So ordered.

EXPLANATION OF VOTE

If I had been present, I would have voted "aye" on DeCamp amendments 5 and 6 to LB 38.

(Signed) Nelson Merz

RESOLUTIONS

LEGISLATIVE RESOLUTION 14. Read and considered.

LR 14 was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

MR. BARNETT PRESIDING

LEGISLATIVE RESOLUTION 17. Read and considered.

LR 17 was adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

PRESIDENT WHELAN PRESIDING

UNANIMOUS CONSENT—Approve Appointments

Mr. Savage asked unanimous consent to approve the appointments of Mrs. Tom Creigh, Mrs. Madeline Coder, Mrs. Pat Petersen, and Donald W. Droud found in the Journal on page 661 and 662 in one record vote. No objections. So ordered.

Voting in the affirmative, 29:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	Cullan	DeCamp	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Koch	Kremer
Lamb	R. Lewis	Luedtke	Maxey	Murphy
Newell	Nichol	Rumery	Savage	

Voting in the negative, 0.

Present and not voting, 15:

Burrows	Clark	Duis	Keyes	Labedz
Maresh	Merz	Mills	Moylan	Rasmussen
Reutzel	Schmit	Simon	Swigart	Warner

Excused and not voting, 5:

F. Lewis	Marsh	Marvel	Stoney	Venditte

The Chair declared the appointments confirmed.

UNANIMOUS CONSENT – Members Excused

Messrs. Barnett and Duis asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

MOTION – Place LB 43 on General File

Mr. Bereuter renewed his pending motion found in the Journal on page 665 for the Thirty-Third Day to place LB 43 on General File notwithstanding the committee action.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 10 nays and 16 not voting.

Mr. Bereuter asked unanimous consent to close debate. No objections. So ordered.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

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

Voting in the affirmative, 20:

Bereuter	Brennan	Burrows	Chambers	Fitzgerald
Fowler	George	Keyes	Koch	Labedz
Luedtke	Maxey	Merz	Newell	Reutzel
Rumery	Schmit	Simon	Swigart	Warner

Voting in the negative, 22:

Boughn	Carsten	Cope	Cullan	DeCamp
Dworak	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Kremer	Lamb	R. Lewis	Maresh
Mills	Moylan	Murphy	Nichol	Rasmussen
Savage	Stoney			

Present and not voting, 1:

Clark

Excused and not voting, 6:

Barnett	Duis	F. Lewis	Marsh	Marvel
Venditte				

The Bereuter motion to raise LB 43 lost with 20 ayes, 22 nays, 1 present and not voting, and 6 excused and not voting.

SPEAKER'S ANNOUNCEMENT

Speaker Luedtke announced all day sessions will begin on Wednesday, March 9, 1977.

VISITORS

The President introduced 30 students and teacher from Concordia College, Seward; 22 third and fourth grade students and teacher from Greenwood; 5 foreign students attending Lincoln high schools; Marvin Hartung, County Commissioner of Cedar County; and Senator Koch's son.

ADJOURNMENT

At 12:07 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, March 4, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SIXTH DAY—MARCH 4, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 4, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> 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 our 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.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Burrows, DeCamp, Fowler, Lamb, Luedtke, F. Lewis, Nichol, and Venditte who were excused; and Mr. Boughn and Mrs. Maxey who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Fifth Day was approved.

MOTION—Suspend Rules

Mr. Koch moved to suspend Rule 2, Sec. 3 to allow the Jaycees to have access to the floor of the Chamber this morning.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 10 nays, and 17 not voting.

The motion to suspend the rules lost with 16 ayes, 18 nays, 3 present and not voting, and 12 excused and not voting.

REPORT OF EMPLOYEES

During the month of February, 1977, there were 167 full and part-time Session employees. They were paid a total of $95,394.61, of which $95.19 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.

(Signed) 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 3, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Broman, Marvin E. – Lincoln, Safety Council of Nebraska
Gilbertson, Raymond M. – Lincoln, League of Nebraska Municipalities
Kratz, Dean G. – Omaha, Nebraska Building Chapter, Association General Contractors; Nebraska Cemetery Association
Kucera, John D. – Lincoln, Safety Council of Nebraska
Tews, David D.– Lincoln, Committee For Nebraska Industry

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1977, at 8:40 a.m., were the following bills: 95, 357, and 475.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 103. Replaced on Select File as amended.
E & R amendments to LB 103:

1. On page 5, line 21, strike the second "of".

2. On page 6, line 22, strike the comma.

Correctly Engrossed

The following bills were correctly engrossed: 29, 219, 224, 267, 268, and 308.

Correctly Enrolled

The following bill was correctly enrolled: 129.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 129.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 406. Placed on General File as amended.
Standing Committee amendments to LB 406:

1. On page 16, strike beginning with "a" in line 16 through "license" in line 17 and insert "or when examination is waived or a national examination is used, seventy-five dollars".

2. On page 20, insert a new section 16 as follows:

"Sec. 16. Before any audiologist initiates any aural habilitation, for an individual, the audiologist shall have in his possession evidence of a current otologic examination performed by a physician.".

3. Strike section 20.

4. Renumber original sections 16 to 19 as sections 17 to 20 respectively.

LEGISLATIVE BILL 474. Placed on General File.

(Signed) Richard Lewis, Chairman

Revenue

LEGISLATIVE BILL 160. Indefinitely postponed.
LEGISLATIVE BILL 241. Indefinitely postponed.
LEGISLATIVE BILL 243. Indefinitely postponed.
LEGISLATIVE BILL 285. Indefinitely postponed.
LEGISLATIVE BILL 301. Indefinitely postponed.
LEGISLATIVE BILL 352. Indefinitely postponed.
LEGISLATIVE BILL 358. Indefinitely postponed.
LEGISLATIVE BILL 359. Indefinitely postponed.

(Signed) Orval A. Keyes, Chairman

ANNOUNCEMENT

Mr. Koch announced the Constitutional Revision and Recreation Committee will meet in Executive Session on Friday, March 4, 1977, at 1:30 p.m. in the Supreme Court Hearing Room.

UNANIMOUS CONSENT—Print Amendment to LB 38 in the Journal

Mr. Barnett asked uannimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

Amendments to LB 38

1. On page 51, in line 15 after "state" insert "except that such fact in itself shall not be an automatic bar to registration".

2. On page 53, in line 6 after "felony" insert "subsequent to being granted a registration pursuant to section 69 of this act"; and in line 9 after "substance" insert "subsequent to being granted a registration pursuant to section 69 of this act".

3. On page 66, in line 20, strike "and shall not be eligible for probation".

4. On page 68, strike section 78.

5. On page 69, in line 7 strike "or" and insert "for".

6. On page 72, in line 17 strike "50-103" and insert "53-103".

7. On page 74, strike lines 19 through 27.

8. On page 75, strike lines 1 through 3.

9. On page 78, in line 13, strike "and"; and in line 20, after "consent" insert "; and (e) develop a priority program so as to focus the bulk of their efforts on the reduction and elimination of the most damaging drugs including narcotic drugs, depressants and stimulant drugs, and hallucinogenic drugs".

10. On page 79, strike beginning with "persons" in line 15 through "article" in line 17 and insert "schools, courts and persons requesting it".

11. Renumber original sections 79 to 346 as sections 78 to 344 respectively.

SELECT FILE

LEGISLATIVE BILL 393. E & R amendment found in the Journal on page 690 for the Thirty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 399. E & R amendment found in the Journal on page 690 for the Thirty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 283. Placed on General File.
LEGISLATIVE BILL 163. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 311A. By Public Health and Welfare Committee: R. Lewis, 38th District, Chairman; Brennan, 9th District; Rasmussen, 41st District; Moylan, 6th District; Maresh, 32nd District; Kelly, 35th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT–Print Amendments to LB 22 in Journal

Mr. Stoney asked unanimous consent to print the following amendments to LB 22 in the Journal. No objections. So ordered.

1. Strike original section 1 and insert the following:
"Section 1. That section 79-1906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1906. All persons admitted to the Nebraska School for the Deaf shall be taught and trained in that school by the oral, aural, and lip-reading methods when feasible, or such other teaching methods as may lead to total communication. ~~method, and not by the deaf alphabet and sign language method, except where they are incapacitated by mental defects or by malformation of their vocal organs. All pupils in the school shall be taught and trained by means of special conversational courses which shall be put into effect to the fullest extent that is feasible and practicable~~.

Sec. 2. That original section 79-1906, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MOTION—Return LB 314 to Select File

Mr. Chambers moved to return LB 314 to Select File for the following specific amendment:

1. On page 18, line 16 after "1943," insert "and section 60-403.02, Revised Statutes Supplement, 1976,".
2. In the title line 14 after "1943" insert ", and section 60-403.02, Revised Statutes Supplement, 1976".

The motion prevailed with 25 ayes, 6 nays, 7 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 314. The Chambers specific amendment found in this day's Journal was adopted with 26 ayes, 6 nays, 6 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 100. Title read. Considered.

Mr. R. Lewis asked unanimous consent to have LB 100 laid over. No objections. So ordered.

LEGISLATIVE BILL 176. Title read. Considered.

Mr. Keyes moved to indefinitely postpone.

The motion lost with 10 ayes, 14 nays, 13 present and not voting, and 12 excused and not voting.

Mr. Reutzel moved for a Call of the House. The motion lost with 11 ayes, 12 nays, and 26 not voting.

Mr. Reutzel requested a roll call vote on advancing LB 176.

Voting in the affirmative, 13:

Chambers	Cullan	Dworak	Goodrich	Labedz
Marsh	Moylan	Murphy	Newell	Reutzel
Savage	Simon	Warner		

Voting in the negative, 14:

Barnett	Carsten	Cope	George	Keyes
Koch	Kremer	R. Lewis	Maresh	Merz
Rasmussen	Rumery	Stoney	Swigart	

Present and not voting, 10:

Brennan	Duis	Fitzgerald	Hasebroock	Hefner
Kahle	Kelly	Marvel	Maxey	Mills

Excused and not voting, 12:

Bereuter	Boughn	Burrows	Clark	DeCamp
Fowler	Lamb	F. Lewis	Luedtke	Nichol
Schmit	Venditte			

The motion to advance LB 176 to E & R for Review lost with 13 ayes, 14 nays, 10 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 180. Title read. Considered.

Mr. Goodrich moved the adoption of the following Bereuter amendment:
That the words "or other" be deleted from line 27 of page 2.

The amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Chambers moved to indefinitely postpone.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 7 nays, and 19 not voting.

The motion to indefinitely postpone lost with 12 ayes, 19 nays, 6 present and not voting, and 12 excused and not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 15 ayes, 7 nays, and 27 not voting.

Mr. Goodrich requested a roll call vote on advancing LB 180.

Voting in the affirmative, 23:

Carsten	Cope	Duis	Fitzgerald	Goodrich
Hasebroock	Hefner	Kahle	Koch	Kremer
R. Lewis	Maresh	Merz	Mills	Moylan
Murphy	Newell	Reutzel	Rumery	Savage
Stoney	Swigart	Warner		

Voting in the negative, 10:

Barnett	Brennan	Chambers	Cullan	Dworak
Kelly	Keyes	Marvel	Rasmussen	Simon

Present and not voting, 4:

George	Labedz	Marsh	Maxey

Excused and not voting, 12:

Bereuter	Boughn	Burrows	Clark	DeCamp
Fowler	Lamb	F. Lewis	Luedtke	Nichol
Schmit	Venditte			

Failed to advance to E & R for Review with 23 ayes, 10 nays, 4 present and not voting, and 12 excused and not voting.

Mr. Stoney moved the Call be raised. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

LEGISLATIVE BILL 199. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 6 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 275. Title read. Considered.

Standing Committee amendments found in the Journal on page 487 for the Twenty-Fourth Day lost with 23 ayes, 3 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Kelly moved for a Call of the House. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Kelly moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 275A. Title read. Considered.

Failed to advance to E & R for Review with 23 ayes, 5 nays, 8 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORT

LEGISLATIVE BILL 365. Placed on General File as amended.
Standing Committee amendments to LB 365:

1. Strike sections 1 and 2 and insert:

"Section 1. That section 84-306.01, Reissued Revised Statutes of Nebraska, 1943, be amended to read as follows:

84-306.01. Whenever any state officer, ~~or~~ employee, or member of any commission, council, committee, or board of the state is entitled to be reimbursed for expenses incurred by him in the line of duty provided for in sections 2, 3, and 4 of this act, he shall be required to present a claim each month therefor to the Director of Administrative Services, which claim shall be fully itemized as to each charge, showing the date, name of the hotel, if any, location of the expense, and the necessity therefor. When mileage by automobile is claimed, the points between which said mileage accrued, the time of arrival and departure, the necessity and purpose therefor, the license number and owner of the automobile so used, and the rate per mile shall be shown on such claim. When reimbursement for expenses incurred in air travel by commercial carrier is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, and the actual

expense of such travel shall be shown on such claim. When reimbursement for expense incurred in air travel in airplanes chartered by the department or agency is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, and the actual expense of such travel shall be shown on such claim. When reimbursement for expenses incurred in air travel by personally-rented airplane is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, and the actual expense of such travel shall be shown on such claim. No claim shall be submitted by a ~~state officer or employee~~ an individual including the cost of air transportation when such cost has been paid by direct voucher from the agency or department concerned. When such cost of air transportation has been paid by the individual and is submitted for reimbursement, a receipt for the amount of the expenditure for the cost of air transportation shall be attached to the voucher. When reimbursement for expenses incurred in air travel by privately-owned airplane is claimed, the points between which such travel occurred, the time of arrival and departure, the necessity and purpose of such travel, the cost of operating the airplane not to exceed fourteen cents per mile, and the actual expense of such travel shall be shown on such claim. The statement of expenses shall be duly verified and supported by receipts for all of such expenditures, except meals, for which reimbursement is claimed. No charge for mileage shall be allowed when such mileage accrues while using an automobile owned by the State of Nebraska. No personal maintenance expenses shall be allowed to any state officer, ~~or~~ employee, or member of any commission, council, committee, or board of the state when such expenses are incurred in the city or town wherein the residence or headquarters of such ~~officer or employee~~ individual is located.

Sec. 2. Any member of any commission, council, committee, or board which has been created by statute shall be entitled to be reimbursed for expenses in the same manner as provided in section 84-306.01.

Sec. 3. If the creation of a commission, council, committee, or board is necessary for purpose of compliance with acts of congress, or federal rules and regulations resulting from such acts, such members shall be reimbursed for expenses incurred from federal funds available to pay such expenses.

Sec. 4. Any member of any commission, council, committee, or board which exists, but is not entitled to

reimbursement of the provisions of section 2 or 3 of this act shall be entitled to reimbursement for necessary and actual expenses incurred by such board member in the line of duty if approved by the Governor and an appropriation is made for such purpose.

Sec. 5. That original section 84-306.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber original section 3 as section 6.

(Signed) Jerome Warner, Chairman

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in room 2102, March 7, 1977 at noon.

GENERAL FILE

LEGISLATIVE BILL 205. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 509 Wednesday, March 16, 1977 12:30 p.m.

(Signed) Richard Maresh, Chairman

GENERAL FILE

LEGISLATIVE BILL 218. Title read. Considered.

Standing Committee amendment found in the Journal on page 503 for the Twenty-Fifth Day was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 126. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 137. Title read. Considered.

Standing Committee amendment found in the Journal on page 557 for the Twenty-Eighth Day was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 230. Title read. Considered.

Standing Committee amendment found in the Journal on page 560 for the Twenty-Eighth Day was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Barnett renewed his pending amendment found in the Journal on page 576 for the Twenty-Ninth Day.

The amendment was adopted with 26 ayes, 1 nay, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 230A. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 178. Indefinitely postponed.
LEGISLATIVE BILL 379. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

MOTION—Place LB 241 on General File

Mr. Rumery moved to place LB 241 on General File notwithstanding the committee action.

Motion pending.

MOTION–Call of the House

Mr. Warner moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Call showed 37 members present.

MOTION–Suspend Rules

Mr. Warner moved to suspend the rules for the introduction of 5 new bills by the Committee on Appropriations. (Req. Nos. 814, 805, 790, 813, and 678)

The motion to suspend the rules prevailed with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

The motion to introduce 5 new bills prevailed with 35 ayes, 0 nays, 2 present and not voting, and 12 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 511. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Savage, 10th District; Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 81-815.45, Revised Statutes Supplement, 1976, relating to the Aerospace Museum; to increase the amount which may be retained in a cash fund; and to repeal the original section.

LEGISLATIVE BILL 512. By Appropriations Committee: Warner, 25th District, Chairman; Savage, 10th District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District; Cope, 36th District; Rumery, 42nd District.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to create a cash fund; to prescribe its name; and to provide for deposits and disbursements.

LEGISLATIVE BILL 513. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Savage, 10th District; Fowler, 27th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to funds; to authorize the establishment and maintenance of petty cash funds as prescribed.

LEGISLATIVE BILL 514. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Fowler, 27th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Savage, 10th District.

A BILL FOR AN ACT to amend sections 77-202.30, 77-27,136 to 77-27,137.01, and 79-4,160, Revised Statutes Supplement, 1976, relating to state funds; to change the distribution of certain payments; and to repeal the original sections.

LEGISLATIVE BILL 515. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Hasebroock, 18th District; Cope, 36th District; Goodrich, 20th District; Savage, 10th District.

A BILL FOR AN ACT to amend section 71-2618, Revised Statutes Supplement, 1976, relating to the Department of Health Cash Fund; to provide for the utilization of such fund for the receipt of third party reimbursement payments, matching funds, or similar funds; and to repeal the original section.

MOTION—Introduce Bill

Mr. Barnett moved the introduction of a new bill by the Committee on Judiciary. (Req. No. 808)

The motion prevailed with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 516. By Judiciary Committee: Barnett, 26th District, Chairman; Stoney, 4th District; Chambers, 11th District; Reutzel, 15th District; Cullan, 49th District, Carsten, 2nd District.

A BILL FOR AN ACT to amend section 28-4,117, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Controlled Substances Act; to bring schedules in compliance with federal classifications; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT – Member Excused

Mr. Maresh asked unanimous consent to be excused Monday, March 7, 1977 until he returns. No objections. So ordered.

VISITORS

The President announced 25 members from Alliance attending the District Girls' Basketball tournament.

ADJOURNMENT

Mr. Marvel moved to adjourn until 9:00 a.m., Monday, March 7, 1977. The motion lost.

Mr. Marvel moved to adjourn until 10:00 a.m., Monday, March 7, 1977. The motion prevailed with 25 ayes, 9 nays and 15 not voting.

At 11:38 a.m., the Legislature adjourned until 10:00 a.m., Monday, March 7, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-SEVENTH DAY—MARCH 7, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 7, 1977

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 us 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 Messrs. Kremer, Maresh, and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Thirty-Sixth Day, page 713, line 18, insert "Appropriations".
The Journal for the Thirty-Sixth Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 3, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 13 and Engrossed Legislative Bills Nos. 115, 122, 136, 144, 194, 227, 231, and 396.

These bills were signed by me on March 3, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 7, 1977, at 8:50 a.m., was the following bill: 129.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 83. Placed on Select File as amended.
E & R amendments to LB 83:

1. On page 2, line 18, strike the comma and show as stricken.

2. On page 4, line 16, strike the comma and show as stricken; and in line 27 strike the semicolon and show as stricken and insert an underscored comma.

3. On page 5, strike the comma in line 3 and the second comma in line 6 and show as stricken; and in line 23 strike the comma.

4. On page 6, line 3, strike "pursuant to subdivisions (2) and" and insert "described in subdivision (2) or"; and in lines 9 and 10 strike ", 54-145.02, 54-145.03,".

5. In the title, lines 2 and 3, strike ", 54-145.02, 54-145.03,"; in line 4 strike "section" and

insert "sections 54-101 and"; and strike beginning with "extend" in line 6 through the semicolon in line 8 and insert "redefine a term; to provide for proof of ownership;".

LEGISLATIVE BILL 125. Placed on Select File as amended.
E & R amendment to LB 125:
1. In the title, line 4, strike "of".

LEGISLATIVE BILL 364. Placed on Select File.

LEGISLATIVE BILL 266. Placed on Select File as amended.
E & R amendments to LB 266:
1. In committee amendments show stricken matter as stricken and inserted matter as underscored.
2. On page 2, line 10, and page 3, line 25, strike the comma.
3. In the title, line 6, insert "to harmonize provisions;" after the semicolon.

LEGISLATIVE BILL 304. Placed on Select File as amended.
E & R amendment to LB 304:
1. On page 2, line 15, strike "or" and insert "~~or~~ nor".

LEGISLATIVE BILL 374. Placed on Select File as amended.
E & R amendments to LB 374:
1. In the Cullan amendment strike beginning with the second "in" in line 3 through the semicolon in line 4; and in line 4 strike " 'systems' " and insert "the comma".
2. In the title, line 4, strike "terms" and insert "a term".

LEGISLATIVE BILL 332. Placed on Select File as amended.
E & R amendment to LB 332:
1. On page 2, line 15, strike "damages" and insert "damage".

Correctly Engrossed

The following bills were correctly engrossed: 314 and 399.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 353: Placed on General File as amended.
Standing Committee amendments to LB 353:

1. Strike original sections 1 and 2 and insert five new sections as follows:

"Section 1. That section 77-3001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3001. As used in sections 77-3001 to 77-3011, unless the context otherwise requires:

(1) Person shall mean and include an individual, partnership, society, association, joint stock company, corporation, estate, receiver, lessee, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals;

(2) Mechanical amusement device shall mean and include any machine which, upon insertion of a coin, or substitute therefor, operates or may be operated or used for a game, contest or amusement of any description, such as, by way of example, but not by way of limitation, pinball games, shuffleboard, bowling games, radio-ray rifle games, baseball, football, racing, boxing games, and coin-operated pool tables; and mechanical amusement device shall also include game and draw lotteries and coin-operated automatic musical devices; Provided, that it shall not mean and include vending machines which dispense tangible personal property, ~~coin-operated automatic musical devices,~~ devices located in private homes for private use, or devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska;

(3) Operator shall mean and include any person who operates a place of business in which a machine or device owned by him is physically located or any person who places and who either directly or indirectly controls or manages any machine or device;

(4) Distributor shall mean and include any person who sells, leases, or delivers possession or custody of a machine or mechanical device to operators thereof for a consideration either directly or indirectly received;

(5) Whenever in sections 77-3001 to 77-3011 the words machine or device are used they refer to mechanical amusement device; and

(6) Whenever in sections 77-3001 to 77-3011, the words machine, device, person, operator, or distributor are used, the words in the singular include the plural, and the plural include the singular.

Sec. 2. That section 77-3004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3004. (1) An occupation tax is hereby imposed and levied, in the amount and in accordance with the terms and conditions hereafter stated, upon the business of operating mechanical amusement devices within the State of Nebraska for profit or gain either directly or indirectly received. Every person who now or hereafter engages in the business of operating such devices in the State of Nebraska shall pay such tax in the amount and manner specified in this section.

(2) Any operator of a mechanical amusement device within the State of Nebraska shall pay an occupation tax in the amount of ~~ten~~ fifteen dollars for each machine or device which he operates during all of the taxable year. The tax shall be due and payable on July 1 of each year, on each machine or device in operation on that date; Provided, that it shall be unlawful to pay any such occupation tax unless the operator has actual ownership of the mechanical amusement devices being taxed and unless the sales or use tax has been paid on such mechanical amusement devices. For every machine or device put into operation on a date subsequent to July 1, and which has not been included in computing the tax imposed and levied by the provisions of sections 77-3001 to 77-3011, the tax shall be due and payable therefor prior to the time the machine or device is placed in operation; Provided, a tax in the amount of ~~five~~ seven dollars and fifty cents shall be due and payable on each machine placed into operation after January 1 of each tax year but prior to July 1.

Sec. 3. That section 77-3007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3007. (1) The payment of the tax imposed by the provisions of sections 77-3001 to 77-3011 shall be evidenced by a separate ~~certificate~~ decal for each device, ~~or other document~~ signifying payment of the tax, in a form prescribed by the Tax Commissioner.

(2) Every operator shall place such decal in a conspicuous place on each device to denote ~~and keep conspicuously posted on or about each device a~~

~~certificate or other document denoting~~ payment of the tax ~~on one~~ for each device for the current year.

~~(3) The certificate or other document required by this section shall be general in form and assignable to any device; Provided, that one certificate or other document signifying payment of the tax shall be posted for each device present.~~

Sec. 4. That section 77-3009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-3009. (1) Any person who has placed a mechanical amusement device in operation in the State of Nebraska without the necessary decal being placed conspicuously upon it, is subject to an administrative penalty of thirty dollars for each violation.

(2) Any mechanical amusement device which does not have the necessary decal conspicuously displayed upon it, is subject to being sealed by the State Tax Commissioner or his delegate. If such seal is broken prior to payment of the occupation tax upon such device, the device shall be subject to forfeiture and sale by the State Tax Commissioner.

(3) Any person violating any of the provisions of sections 77-3001 to 77-3011 shall, upon conviction thereof, be fined in an amount not less than twenty-five dollars nor more than five hundred dollars, or imprisoned for a period not exceeding six months, or both, in the discretion of the court. Each day on which any person shall engage in or conduct the business of operating or distributing the machines or devices subject to the provisions of sections 77-3001 to 77-3011, without having paid the tax as provided, shall constitute a separate offense.

Sec. 5. That original sections 77-3001, 77-3004, 77-3007, and 77-3009, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 355. Placed on General File.

(Signed) Orval A. Keyes, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 329. Placed on General File.
LEGISLATIVE BILL 362. Placed on General File.
LEGISLATIVE BILL 473. Placed on General File.

LEGISLATIVE BILL 19. Indefinitely postponed.
LEGISLATIVE BILL 369. Indefinitely postponed.
LEGISLATIVE BILL 415. Indefinitely postponed.

(Signed) Donald Dworak, Chairman

MOTION—Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. No. 809)

The motion prevailed with 30 ayes, 2 nays, 14 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 517. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Labedz, 5th District; Duis, 39th District; Merz, 1st District; Schmit, 23rd District; Hefner, 19th District.

A BILL FOR AN ACT to amend sections 9-401 and 9-406, Uniform Commercial Code, relating to secured transactions; to provide for filing duplicate documents to perfect a security interest with the Public Service Commission to provide procedures for filing releases of certain liens; to authorize appropriations for costs of administering such duplicate filings; and to repeal the original sections.

SELECT FILE

LEGISLATIVE BILL 103. E & R amendment found in the Journal on page 707 for the Thirty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. DeCamp offered the following amendment:

7. On page 27, line 10, strike "all"; on line 12 after the period, insert: "The expectant mother shall certify in writing that she has been so informed, and the written certification shall be signed by the expectant mother and by her attending physician and shall be sent to the Bureau of Vital Statistics, Department of Health, as an attachment to the abortion reporting form required under section 59 of this act. The written certification shall be in the following form:

I, _____ have been informed that the following agencies and services are among those available in Nebraska to assist me to carry my pregnancy to natural term: Birthright, and Emergency Pregnancy Service.

I have also been informed of the reasonably possible medical and mental consequences resulting from an abortion.

Date _____
Signed _____
Signed _____
Attending Physician".

Mr. Koch moved to return LB 38, LB 39, LB 40 and LB 41 to committee.

Mr. DeCamp moved the previous questions. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 8 nays and 15 not voting.

Mr. Luedtke requested a record vote on the Koch motion.

Voting in the affirmative, 9:

Bereuter	Brennan	Burrows	Chambers	Cullan
George	Kelly	Koch	R. Lewis	

Voting in the negative, 24:

Barnett	Carsten	Clark	Cope	DeCamp
Fitzgerald	Fowler	Hasebroock	Hefner	Labedz
Luedtke	Marsh	Marvel	Maxey	Merz
Moylan	Reutzel	Rumery	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Present and not voting, 13:

Boughn	Duis	Dworak	Goodrich	Kahle
Keyes	Lamb	F. Lewis	Mills	Murphy
Newell	Nichol	Savage		

Excused and not voting, 3:

Kremer	Maresh	Rasmussen

The Koch motion lost with 9 ayes, 24 nays, 13 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mrs. Marsh moved the Call be raised. The motion lost with 18 ayes, 20 nays, and 11 not voting.

Mr. DeCamp requested a roll call vote on the amendment.

Voting in the affirmative, 26:

Bereuter	Boughn	Brennan	Cope	Cullan
DeCamp	Dworak	Fitzgerald	Hasebroock	Hefner
Kahle	Kelly	Keyes	Labedz	Lamb
R. Lewis	Luedtke	Maxey	Merz	Moylan
Rumery	Schmit	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 17:

Barnett	Burrows	Carsten	Chambers	Clark
Fowler	George	Koch	Marsh	Marvel
Mills	Murphy	Newell	Nichol	Reutzel
Savage	Simon			

Present and not voting, 3:

Duis	Goodrich	F. Lewis

Excused and not voting, 3:

Kremer	Maresh	Rasmussen

The DeCamp amendment was adopted with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Mr. Simon asked unanimous consent to print all proposed amendments to LB 38 in the Journal.

Mr. Newell objected.

Mr. Simon moved to print all the amendments in the Journal. The motion lost with 15 ayes, 12 nays, and 22 not voting.

Laid over.

MOTION—Return LB 220 to Select File

Mr. Merz moved to return LB 220 to Select File for the following specific amendment:

1. Strike renumbered sections 24 to 27 and insert a new section 24 as follows:

"Sec. 24. To aid in defraying the cost and administration of this act, at the time a resident motor vehicle is registered, the county treasurer shall collect a fee of fifty cents. Such fee shall be in addition to resident motor vehicle registration fees provided by sections 60-329 to 60-339, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto. The county treasurer shall remit such additional fee to the State Treasurer who shall deposit such money in the Litter Control Fund created by this act.".

The motion lost with 16 ayes, 9 nays, 22 present and not voting, and 2 excused and not voting.

MOTION—Return LB 88 to Select File

Mr. Newell moved to return LB 88 to Select File for the following specific amendment:

To provide that Compensatory time may only be given to an employee in lieu of pay within the same computing period.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Newell motion lost with 9 ayes, 21 nays, 17 present and not voting, and 2 excused and not voting.

MOTION—Return LB 88 to Select File

Mr. Newell moved to return LB 88 to Select File for the following specific amendment:

LB 88 be brought back for an Amendment to state: That this act shall not preclude changes resulting from collective bargaining contracts.

Mr. Clark 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 Newell motion lost with 8 ayes, 27 nays, 12 present and not voting, and 2 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 17.

RESOLUTIONS

LEGISLATIVE RESOLUTION 19.

Introduced by Kelly, 35th District.

WHEREAS, the Legislature recognizes that alcohol abuse has caused an incalculable amount of pain, suffering, and damage to the citizens; and

WHEREAS, this abuse also is widespread among teenage minors who have not attained the legal drinking age of nineteen years; and

WHEREAS, there is great disregard by minors for the current liquor laws; and

WHEREAS, the reported violations of liquor laws by minors have increased significantly since the legal drinking age was lowered from twenty-one to nineteen years in 1972; and

WHEREAS, the enforcement of the liquor laws as they apply to minors is quite ineffective; and

WHEREAS, the prosecutors are extremely lenient in filing complaints against minors who violate the liquor laws; and

WHEREAS, plea-bargaining in these cases is rampant; and

WHEREAS, the courts are overly lenient in the processing, handling, and disposition of those cases which are filed; and

WHEREAS, those students from the University of Nebraska who testified in opposition to LB 369 did favor and call for stricter enforcement of the current liquor laws; and

WHEREAS, there is a great problem on the part of liquor retailers in determining the exact age of prospective purchasers of alcoholic liquor; and

WHEREAS, the highway fatalities of teenagers in the State of Nebraska in which there was alcohol involvement has increased significantly over the past five years; and

WHEREAS, the young people in the State of Nebraska are insufficiently educated as to the possible dangers and the potential abuse of alcoholic liquor.

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

1. That the Miscellaneous Subjects Committee of the Legislature shall study and examine the problems of teenage alcohol abuse.

2. That this study shall include a specific examination of all aspects of the enforcement of the current liquor laws as they apply to minors under the age of nineteen years, and to those adults over nineteen years who supply, or aid in the supply of alcoholic liquors to such minors.

3. That at the conclusion of the study such committee shall submit a report of its findings, together with any legislative recommendations which would curb the widespread abuse by teenagers, and prevent its further proliferation, to the Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

Messrs. Burrows and Merz announced a tour of the Beatrice Development Center, Thursday, March 10, 1977. Transportation will be furnished and will be leaving immediately following the session.

NOTICE OF COMMITTEE HEARING

Education

LB 508 Monday, March 14, 1977 12:00 noon

(Signed) F. Lewis, Chairman

Public Works

LB 510 Monday, March 14, 1977 1:00 p.m.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT–Print in Journal

Mr. Simon asked unanimous consent to set out in full the vote on Mr. Chambers amendment to strike sec 40 of LB 38. No objections. So ordered.

Voting in the affirmative, 10:

Barnett	Boughn	Chambers	Fowler	Maxey
Mills	Murphy	Newell	Nichol	Simon

Voting in the negative, 25:

Bereuter	Brennan	Carsten	Clark	Cope
Cullan	DeCamp	Dworak	Fitzgerald	Goodrich
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	Lamb	Maresh	Moylan	Rasmussen
Reutzel	Rumery	Schmit	Swigart	Warner

Present and not voting, 10:

Burrows	Duis	George	Hasebroock	Koch
R. Lewis	Luedtke	Marvel	Merz	Savage

Excused and not voting, 4:

F. Lewis	Marsh	Stoney	Venditte

MOTION—Return LB 294 to Select File

Speaker Luedtke moved to return LB 294 to Select File for the following specific amendment:

AMENDMENTS TO FINAL READING LB 294

1. Strike original section 2.
2. On page 3, strike beginning with "and"
in line 11 through "are" in line 12 and insert "is".
3. Renumber original sections 3 through 5 as
sections 2 through 4 respectively.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 393.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 368. Placed on General File.
LEGISLATIVE BILL 215. Indefinitely postponed.

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 38 in the Journal

Mr. Chambers asked unanimous consent to print amendments to LB 38 in the Journal. No objections. So ordered.

(1)
Page 28 Lines 5 and 6 strike "and the consent of the parent or guardian of such minor child".

(2) Page 28: strike lines 7–19.

(3) Page 28: In lines 20 and 23, strike the words "or prescribing".

(4) Page 30: strike lines 7–12.

(5) Page 31: strike lines 21, 22.

Mr. Murphy asked unanimous consent to print amendment to LB 38 in the Journal. No objections. So ordered.

Page 23, line 3 to amend Sec. 34 of LB 38 to add a new subsection 3, "Any person who shall be found quilty of first degree rape for a second time shall be sentenced to not less than 25 years and shall not be eligible for parole."

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Laid over.

VISITORS

The President introduced 10 twelfth graders and sponsors from Elkhorn High School; 23 seniors and sponsors from Sterling, Nebraska; 12 fourth grade students and sponsors from St. Marys School, Lincoln; and Mr. Homer Pierce and Mr. Alex Snyder from Callaway.

ADJOURNMENT

At 11:59 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, March 8, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-EIGHTH DAY–MARCH 8, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 8, 1977

Pursuant to adjournment, the Legislature met a 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. Mills who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Seventh Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Ruetzel asked unanimous consent to be excused at 10:00 a.m. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee	LB	Committee
510	Public Works	514	Appropriations
511	Appropriations	515	Appropriations
512	Appropriations	516	Judiciary
513	Appropriations	517	Banking

(Signed) Richard Marvel, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 199. Placed on Select File.
LEGISLATIVE BILL 275. Placed on Select File.
LEGISLATIVE BILL 205. Placed on Select File.

LEGISLATIVE BILL 218. Placed on Select File as amended.
E & R amendment to LB 218:
1. In the title, line 3, insert "; and to declare an emergency" after "prescribed".

LEGISLATIVE BILL 126. Placed on Select File.

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:
1. On page 2, line 21, strike "hereunder".

LEGISLATIVE BILL 230. Placed on Select File as amended.
E & R amendments to LB 230:
1. On page 5, strike lines 9 and 10 and insert "deposited a portion of the fees collected from snowmobile registration as provided in subsection (2) of section 60-2009.".
2. On page 7, line 12, insert "as may be" after "practices".
3. On page 9, line 18, strike the second comma and show as stricken.
4. On page 13, line 9, insert "dollars" after "twenty-five"; and in line 13 strike the comma and show as stricken.
5. On page 14, lines 19, 20, and 25, insert an underscored comma after "accident".

LEGISLATIVE BILL 230A. Placed on Select File.

CORRECTLY ENGROSSED

The following bill was correctly engrossed: 103.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 411. Placed on General File as amended.
Standing Committee amendments to LB 411:

1. Strike original sections 1 through 4 and insert the following:

"Section 1. That section 46-618, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-618. The county board shall examine the petition and, if it appears that the petition contains the signatures of at least ten per cent of ~~resident owners of land~~ the registered voters in the proposed district, the board shall call a public hearing. The county board shall fix a date, hour, and place for hearing upon such petition and shall cause notice of such hearing to be given by publication once each week for two consecutive weeks in the legal newspaper published or of general circulation in the county or counties within the proposed district, the last publication of which shall be not less than ten days prior to the hearing. The three state agencies shall also be notified of the time and place of such hearing by regular mail.

Sec. 2. That section 46-619, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-619. At the time set for such hearing, the county board shall examine the petition and hear objections thereto and may order changes in the boundaries thereof by the inclusion or removal of land therefrom upon finding that such change would be hydrologically and geographically sound.

(1) If the county board finds that the petition contains the signatures of sixty per cent of the ~~resident owners of land of legal voting age~~ registered voters within the proposed district the county board shall enter an order declaring the ground water conservation district fully organized; or

(2) If the county board finds that the petition contains the signatures of more than ten per cent but less than sixty per cent of the ~~resident owners of land~~

~~of legal voting age~~ registered voters within the proposed district an election shall be held as provided in section 46-620 on the question of the organization of such district.

The action of the county board may be reviewed by the district court in error proceedings.

Sec. 3. That section 46-620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-620. The election referred to in subdivision (2) of section 46-619 shall observe the following procedure: If no proceedings for review have been instituted within ten days after the county board has announced its action, such action shall be certified to the election commissioner or county clerk who shall order that the question of the organization of such district be submitted to a vote of the electors ~~as defined in section 46-102~~ in the proposed district, and shall fix the date of such election, which may be held either as a special election or at any general election, and which shall be so scheduled that the notices required by sections 46-621 and 46-622 can be given.

Sec. 4. That section 46-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-623. The ballots cast at such election shall be counted and canvassed as nearly as practicable in the same manner as for elections generally. Not later than one week after the holding of such election, each election commissioner or county clerk shall certify the results thereof to the election commissioner or county clerk with whom such petition was filed, who shall tabulate the results so certified to him, and if he finds that fifty-five per cent of those voting in such election voted in favor of the organization of the proposed district, he shall so certify to the three state agencies and the election commissioner or county clerk in each of the other counties lying in whole or in part within such district, and the district shall thereupon be fully organized. If the proposition to form such district is defeated at the election, the proposition may again be submitted to the ~~landowners~~ registered voters in the proposed district after the lapse of one year from the rejection thereof upon the filing of a new petition therefor.

Sec. 5. That section 46-626, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-626. As the terms of the original members of the board of directors expire, their successors shall be nominated and elected for terms of six years by a majority vote of the ~~landowners of legal voting age~~ registered voters of the division of the district which they represent. Such elections shall be held on the first Tuesday in February preceding the expiration of such terms and shall be conducted in the manner provided for election of directors of irrigation districts as provided in sections 46-115 to 46-118. No filing fee shall be required of candidates filing for the office of director of a ground water conservation district.

Sec. 6. That original sections 46-618, 46-619, 46-620, 46-623, and 46-626, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

LEGISLATIVE BILL 419. Placed on General File.
LEGISLATIVE BILL 421. Placed on General File.
LEGISLATIVE BILL 499. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

ANNOUNCEMENT

Mr. Dworak announced the Miscellaneous Subjects Committee will hold an executive session, Thursday, March 10, 1977 at 8:00 a.m. in Room 1019.

UNANIMOUS CONSENT—Change of Hearing Room

Mr. Kremer asked unanimous consent to change the hearing room for the Public Works Committee hearing at 1:00 p.m. on Monday, March 14, 1977, from the East Chamber to the East Lounge. No objections. So ordered.

MOTION—Prayer Book

Mr. Duis moved that the Chaplain be requested to prepare selected prayers for publication and the Clerk be directed to cause same to be printed.

The motion prevailed with 32 ayes, 0 nays and 17 not voting.

ANNOUNCEMENT

Mr. Rasmussen announced the Government, Military and Veterans Affairs Committee will hold an executive session, Thursday, March 10, 1977 at 1:30 p.m., in room 1113.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 479. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 23, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976, with items reduced by line-item veto; to change appropriations; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Dworak	Fitzgerald	George	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 1:

Marvel

Present and not voting, 3:

Duis	Fowler	Goodrich

Excused and not voting, 1:

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 491. 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, 1977 to June 30, 1978; and to declare an emergency.

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

Voting in the affirmative, 43:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 3:

George	Koch	Simon

Present and not voting, 2:

DeCamp	Goodrich

Excused and not voting, 1:

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 492. With Emergency.

A BILL FOR AN ACT to appropriate funds 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, 1978; 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 2:

Goodrich Marvel

Excused and not voting, 1:

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.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. DeCamp offered the following amendment:

1. On page 27, line 10, strike "all"; on line 12 after the period, insert: "The expectant mother shall certify in writing that she has been so informed, and the written certification shall be signed by the expectant mother and by her attending physician and shall be retained as part of the permanent record of the attending physician as evidence of compliance with the requirement of informed consent. The written certification shall be in the following form:

I,_____have been informed that agencies and services are available in Nebraska to assist me to carry my pregnancy to natural term and to provide other pregnancy information; among those are Birthright and Emergency Pregnancy Service.

I have also been informed of reasonably possible medical and mental consequences resulting from an abortion.

Date _____

Signed _____

Signed _____

Attending Physician".

2. On page 28, line 3, insert "(1)" before "No"; in line 4 insert "sixteen years of age or younger" after "child"; after line 6 insert "(2) No abortion shall be performed on any minor child in the State of Nebraska without her written consent and a written statement by her indicating that she has consulted with her parent or guardian concerning the performance of an abortion. The statement of consultation shall be in the following form:

I, _____, a minor, have advised my parent(s) or guardian that I am pregnant and contemplating an abortion and have consulted with them concerning the contemplated abortion.

Date _____

Signed _____

The written consent by the minor and the statement of consultation with the parent or guardian shall be retained as part of the permanent record of the attending physician as evidence of the requirement of consultation."; in line 12 strike "by" and insert "indicating that she has consulted with"; in lines 13 and 14, strike ", affirming his consent to the performance of the abortion." and insert ". The written statement shall be in the following form:

I, _____, have consulted with the father of the unborn human life concerning contemplation by me of an abortion.

Date _____

Signed _____";

at the end of line 16 insert "The statement of consultation with the father or, when the father is unknown, affirmation of such fact in writing by the woman requesting an abortion shall be retained as part of the permanent records of the attending physician as evidence of compliance with the requirement of consultation."; in line 18 after "or" insert "the written statements required in section 48 or"; and in line 20 strike "or prescribing".

3. On page 29, line 9, strike "directly or indirectly".

4. On page 30, line 16, strike "or prescribed".

5. On page 31, strike beginning with "shall" in line 16 through "and" in line 17; and strike the sentence in line 20.

Mr. DeCamp moved the adoption of amendment (1).

Mrs. Marsh offered the following amendment to the DeCamp amendment (1):

DeCamp amendment offered March 8, 1977 numbered (1) at line 13 strike ";" and insert "." and strike balance of line 13 and all of line 14.

The Marsh amendment was adopted with 29 ayes, 0 nays and 20 not voting.

The DeCamp amendments are pending.

Mrs. Maxey asked unanimous consent to be excused for 20 minutes. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 232. Placed on General File.

LEGISLATIVE BILL 233. Placed on General File as amended.
Standing Committee amendments to LB 233:

1. Strike section 2.
2. Renumber original sections 3 to 6 as sections 2 to 5 respectively.

LEGISLATIVE BILL 363. Placed on General File.
LEGISLATIVE BILL 222. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

Judiciary

LEGISLATIVE BILL 284. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 4. Placed on General File as amended.
Standing Committee amendments to LB 4:
(Amendments printed separately from the Journal and on file in Clerk's Office—Req. 2523)

(Signed) Donald Dworak, Chairman

NOTICE OF COMMITTEE HEARING
Judiciary

LB 516 Tuesday, March 15, 1977 1:30 p.m.

(Signed) Wally Barnett, Chairman

ANNOUNCEMENT

Mr. Warner announced that beginning March 9th the Appropriations Committee shall meet in Room 2102 for the duration of the session and during all day sessions of the Legislature.

SELECT FILE

LEGISLATIVE BILL 83. E & R amendments found in the Journal on page 721 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. E & R amendment found in the Journal on page 722 for the Thirty-Seventh Day was adopted.

Mr. Simon offered the following amendment:
Strike the words "or mailing" on page 2 line 15 and add the words "by hand or sent by registered mail."

The amendment was adopted with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 364. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 266. E & R amendments found in the Journal on page 722 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 304. E & R amendment found in the Journal on page 722 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 374. E & R amendments found in the Journal on page 722 for the Thirty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 332. E & R amendment found in the Journal on page 722 for the Thirty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Place LB 241 on General File

Mr. Rumery renewed his pending motion found in the Journal on page 716 for the Thirty-Sixth Day to place LB 241 on General File notwithstanding the committee action.

Mr. Rumery moved for a Call of the House. The motion lost with 5 ayes, 19 nays, and 25 not voting,

The Rumery motion to place LB 241 on General File lost with 11 ayes, 21 nays, 15 present and not voting, and 2 excused and not voting.

MOTION—Return LB 294 to Select File

Speaker Luedtke renewed his pending motion found in the Journal on page 732 for the Thirty-Seventh Day to return LB 294 to Select File for a specific amendment.

Speaker Luedtke moved for a Call of the House. The motion prevailed with 19 ayes, 6 nays, and 24 not voting.

Speaker Luedtke requested a roll call vote.

Voting in the affirmative, 25:

Barnett	Bereuter	Boughn	Brennan	DeCamp
Dworak	Fitzgerald	Fowler	Hefner	Kelly
Keyes	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Merz	Moylan	Newell
Rumery	Savage	Schmit	Simon	Swigart

Voting in the negative, 13:

Carsten	Cope	Cullan	Duis	Hasebroock
Kahle	R. Lewis	Mills	Murphy	Rasmussen
Stoney	Venditte	Warner		

Present and not voting, 9:

Burrows	Chambers	Clark	George	Goodrich
Koch	Kremer	Marvel	Nichol	

Excused and not voting, 2:

Maxey Reutzel

The motion prevailed with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 294. The Luedtke specific amendment found in the Journal on page 732 for the Thirty-Seventh Day was renewed.

Mr. Carsten moved the Call be raised. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

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 24 ayes, 13 nays, and 12 not voting.

Mr. F. Lewis 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, 12 nays, and 9 not voting.

Speaker Luedtke moved for a Call of the House. The motion prevailed with 19 ayes, 16 nays, and 14 not voting.

Speaker Luedtke requested a roll call vote on the amendment.

Voting in the affirmative, 19:

Barnett	Bereuter	Brennan	DeCamp	Fitzgerald
Fowler	Hefner	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Merz	Moylan
Newell	Schmit	Simon	Swigart	

Voting in the negative, 18:

Boughn	Carsten	Clark	Cope	Cullan
Duis	George	Hasebroock	Kahle	Kelly
Koch	R. Lewis	Mills	Murphy	Rasmussen
Stoney	Venditte	Warner		

Present and not voting, 9:

Burrows	Chambers	Dworak	Goodrich	Keyes
Kremer	Nichol	Rumery	Savage	

Excused and not voting, 3:

Marvel	Maxey	Reutzel

The Luedtke amendment lost with 19 ayes, 18 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved to bracket LB 294 on Select File until March 22, 1977.

Mr. Nichol 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 motion to bracket prevailed with 32 ayes, 0 nays and 17 not voting.

STANDING COMMITTEE REPORTS

Public Health and Welfare

LEGISLATIVE BILL 480. Placed on General File.
LEGISLATIVE BILL 481. Placed on General File.

(Signed) Richard Lewis, Chairman

Education

LEGISLATIVE RESOLUTION 8. Placed on General File.

Statement on LR 8
LR 8, Introduced by Senator Warner
Public Hearing, February 22, 1977

Introduced by the Interim Study for Postsecondary Education, Legislative Resolution 8 was presented to the Education Committee by

Senator Warner. LR 8 is a request of the Legislature to continue the work of the interim study committee. Senator Warner explained a timetable as elaborated in the resolution of bring about the desired coordination of Postsecondary Education in the state.

Legislative Resolution 8 is directly related to LB 459, therefore, they were heard at the same time. At the time of the hearing, comments were made in relation to LB 459 and LR 8.

The Education Committee in an Executive Session advanced LR 8 to the Legislature for its full consideration. Senator Maxey made the motion, seconded by Senator George. The vote was 7-0-1. Senator Koch was not present to vote.

LEGISLATIVE BILL 459. Placed on General File as amended.
Standing Committee amendments to LB 459:

1. On page 3, line 5, strike "and approval".
2. On page 6, line 17, after "fees" insert ", when such funds are used for the purpose of supporting existing or establishing new programs within the institution"; and in line 21 after "activities" insert "dealing with program support".
3. Strike original sections 11, 12, and 13 and insert the following:

"Sec. 11. That section 79-2644, Revised Statutes Supplement, 1976, be amended to read as follows:

79-2644. In addition to any other powers and duties imposed upon the board by sections 79-2636 to 79-2662, each board shall be charged with the following powers, duties, and responsibilities:

(1) To have general supervision, control, and operation of each technical community college within its jurisdiction;

(2) To develop and offer programs of vocational and technical education, academic courses which are supportive of the vocational and technical programs, and such other programs and courses as the needs of the area served may require. The board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and area;

(3) To employ, for a period to be fixed by the board, executive officers and members of the faculty and such other administrative officers and employees as may be necessary or appropriate and fix their salaries and duties;

(4) To construct, lease, purchase, purchase on contract, operate, equip, and maintain facilities and

contract for services connected with the operation of the technical community college area as needs and interest demand;

(5) To cause an examination and comprehensive audit of the books, accounts, records and affairs, including full-time equivalent student enrollment total as defined in sections 79-2636 to 79-2662, to be made annually covering the most recently completed fiscal year. Such examination and audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts~~,~~ and the Department of Administrative Services~~, and the commission~~ on or before ~~August~~ October 15 of each year. The examination and audit of the full-time equivalent student enrollment total shall be completed and filed with the Auditor of Public Accounts and the Department of Administrative Services on or before August 15 of each year;

(6) To establish fees and charges for the facilities authorized by sections 79-2636 to 79-2662. Each board of a technical community college area may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities;

(7) To receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the technical community college programs as specified by law. Each board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof and adopt regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants, or conveyances shall not be conditioned on matching state or local funds;

(8) To prescribe the courses of study for any technical community college under its control, and publish such catalogs and bulletins as may be necessary;

(9) To grant to every student upon graduation or completion of a course of study a suitable diploma, associate degree, or certificate;

(10) To promulgate such rules and regulations and perform all other acts as the board may deem necessary or appropriate to the administration of the technical community college area. Such rules and regulations shall

include but not be limited to rules and regulations relating to facilities, housing, scholarships, discipline, and pedestrian and vehicular traffic on property owned, operated, or maintained by the technical community college area;

(11) To employ, for a period to be fixed by the board, an executive officer for the technical community college area and, by written order filed in its office, delegate to such executive officer any of the powers and duties vested in or imposed upon it by sections 79-2636 to 79-2662. Such delegated powers and duties may be exercised in the name of the board;

(12) To acquire real property by eminent domain pursuant to Chapter 76, article 7;

(13) To acquire real and personal property and sell, convey, or lease such property whenever the technical community college area will be benefited thereby. The sale, conveyance, or lease of any real estate owned by a technical community college area shall be effective only when authorized by an affirmative vote of at least two-thirds of all the members of the board;

(14) To enter into agreements for services, facilities, or equipment and for the presentation of courses for students when such agreements are deemed to be in the best interests of the education of the students involved;

(15) To invest, after proper consideration of the requirements for the availability of money, funds of the college in those types of securities set forth in subdivisions (1) to (10) of section 72-1246;

(16) To establish tuition rates for courses of instruction offered by each college within its area. Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska;

(17) To establish a fiscal year for the area which conforms to the fiscal year of the state; and

(18) To exercise any other powers, duties, and responsibilities necessary to carry out the provisions of sections 79-2636 to 79-2662.

Sec. 12. That section 79-2651, Revised Statutes Supplement, 1976, be amended to read as follows:

79-2651. The Legislature, in an effort to promote quality postsecondary education and to avoid excessive taxation upon the taxable property of each area, may appropriate each year from such funds as may be

available an amount for the aid and assistance of the technical community colleges. Such funds so appropriated by the Legislature shall be distributed by the Department of Administrative Services in ~~twelve~~ ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning ~~July, 1976~~ September, 1977, and each September thereafter. Such funds shall be distributed to the technical community colleges in the same proportion as the full-time equivalent student enrollment total for each college for the immediately preceding fiscal year is to the full-time equivalent enrollment total of all technical community colleges combined for such fiscal year.

Sec. 13. That section 79-2652, Revised Statutes Supplement, 1976, be amended to read as follows:

79-2652. A technical community college may estimate its full-time equivalent student enrollment total for the 1975-76 fiscal year and certify such estimate to the Auditor of Public Accounts~~,~~ and the Department of Administrative Services~~, and the commission~~ on or before August 15, 1975. Such certified estimate shall be used for the purpose of determining the ratio for distribution of funds to the technical community colleges set forth in section 79-2651. Any college which has estimated its full-time equivalent student enrollment total shall, on or before May 1, 1976, certify to the Auditor of Public Accounts~~,~~ and the Department of Administrative Services~~, and the commission~~ its actual full-time equivalent student enrollment total for July 1, 1975 to April 15, 1976. If such certification discloses that the estimated full-time equivalent student enrollment total exceeds the actual full-time equivalent student enrollment total by more than five per cent, the Department of Administrative Services shall redetermine the original distribution of funds ratio set forth in section 79-2651 based on the actual full-time equivalent student enrollment total. The Department of Administrative Services shall then make the necessary adjustment in the June 1, 1976 payment to cause each technical community college to receive a total distribution of funds for the 1975-76 fiscal year based upon the readjusted ratio.".

4. On page 14, lines 23 and 24 strike ", 79-2642, 79-2660, 79-2661" and insert ", 79-2644, 79-2651, 79-2652"; and in line 25 after "sections" insert "79-2642 and" and strike "79-2659" and insert "79-2661".

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT—Print in Journal

Speaker Luedtke asked unanimous consent to have the following printed in the Journal. No objections. So ordered.

Department of Revenue

March 8, 1977

Senator Roland Luedtke
Speaker of the House
State Capitol
Lincoln, NE 68509

Dear Senator Luedtke:

Enclosed are comparisons of actual and projected receipts for fiscal year 1976-1977 to date. These are shown on a monthly basis and by major source.

Our projections as well as the report on receipts is based upon validation by the Department of Revenue through the last working day of the month. The projected figures are those from the last rate setting meeting of the State Board of Equalization and Assessment which was November, 1976.

With the results of February collections, we have continuing concerns about receipts as the Governor made warning of in his budget message at pages 3 through 5. I would call your attention to the fact that the fiscal year to date receipts are short of projections by 17 million dollars, which amount is in excess of our present overlevy.

Sincerely,

(Signed) William E. Peters
State Tax Commissioner

cc: Senator Orval Keyes
Senator Jerome Warner
State Treasurer

DEPARTMENT OF REVENUE
RESEARCH DIVISION
COMPARISON OF ACTUAL AND PROJECTED GENERAL FUND RECEIPTS FOR FISCAL YEAR 1976-77

	TOTAL ACTUAL RECEIPTS	TOTAL PROJECTED RECEIPTS	DIFFERENCE	PERCENT DIFFERENCE	CUMULATIVE ACTUAL RECEIPTS	CUMULATIVE PROJECTED RECEIPTS	CUMULATIVE DIFFERENCE	CUMULATIVE PERCENT DIFFERENCE
JULY	$30,941,923	$31,735,000	$ (793,077)	(2.5)%	$ 30,941,923	$ 31,735,000	$ (793,077)	(2.5)%
AUGUST	35,704,153	35,849,000	(144,847)	(0.4)	66,646,076	67,584,000	(937,924)	(1.4)
SEPTEMBER	37,308,232	37,595,000	(286,768)	(0.8)	103,954,308	105,179,000	(1,224,692)	(1.2)
OCTOBER	26,337,744	37,052,000	(10,715,256)	(28.9)	130,291,052	142,231,000	(11,939,948)	(8.4)
NOVEMBER	37,838,773	41,255,000	(3,416,227)	(8.3)	168,129,825	183,486,000	(15,356,175)	(8.4)
DECEMBER	40,023,574	39,011,000	1,012,574	2.6	208,153,399	222,497,000	(14,343,601)	(6.4)
JANUARY	45,090,243	43,456,000	1,634,243	3.8	253,243,642	265,953,000	(12,709,358)	(4.8)
FEBRUARY	46,532,579	50,869,000	(4,336,421)	(8.5)	299,776,221	316,822,000	(17,045,779)	(5.4)

DEPARTMENT OF REVENUE
RESEARCH DIVISION
COMPARISON OF PROJECTED AND ACTUAL RECEIPTS BY MAJOR SOURCE
THROUGH FEBRUARY 1977 USING PROJECTION OF 11-15-76

	Cumulative Projected Receipts	Cumulative Actual Receipts	Cumulative Percentage Difference
Sales and Use Tax	$145,140,000	$133,086,626	(8.3)
Individual Income Tax	111,542,000	111,175,351	(0.3)
Corporate Income Tax	22,065,000	21,127,936	(4.2)
Miscellaneous Taxes	38,075,000	34,386,308	(9.7)
Total Receipts	$316,822,000	$299,776,221	(5.4)

MOTION—Return LB 220 to Select File

Mr. Simon moved to return LB 220 to Select File for the specific amendment previously offered by Mr. Merz found in the Journal on page 729 for the Thirty-Seventh Day.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 11 nays, and 20 not voting.

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Simon moved for a Call of the House. The motion lost with 12 ayes, 23 nays, and 14 not voting.

The motion to return LB 220 lost with 18 ayes, 21 nays, 8 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 462. Placed on General File.

(Signed) Donald Dworak, Chairman

VISITORS

The President introduced 37 seniors and sponsors from Meridian High School, Tobias, Nebraska; and 36 seniors and teacher from Wilber High School.

RECESS

At 11:58 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present.

INTRODUCTION OF FORMER LEGISLATORS

The present Senators introduced the former legislators from each of their districts.

MESSAGE FROM THE GOVERNOR

March 7, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 60, 95, 118, 183, 255, 357, and 475.

These bills were signed by me on March 5, 1977 and delivered to the Secretary of State.

Sincerely,
(Signed) J. James Exon, Governor

JJE:f

ADJOURNMENT

At 2:24 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, March 9, 1977.

Vincent D. Brown
Clerk of the Legislature

THIRTY-NINTH DAY—MARCH 9, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 9, 1977

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 serious 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 Mr. Koch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Eighth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused this afternoon. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 7, 1977

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

Dear Mr. President and Senators:

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

James W. McBride
1720 Beechwood Drive, Aurora - succeeds Vince E. Rossiter, term expiring October 1, 1978

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: James W. McBride
Committee on Committees
Board of Educational Lands and Funds

REPORT FROM DEPARTMENT OF ROADS

March 8, 1977

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

Dear Mr. Brown:

We are enclosing a report on our Advertising Control Program for 1976 for submittal to the Legislature, pursuant to Section 39-1320.01, (.02), (.03) R.R.S. 1943.

Sincerely,
DEPARTMENT OF ROADS

(Signed) Thomas D. Doyle
Director-State Engineer

TDD/jp
Enclosure

Advertising Control Data 1976

The following data includes twelve calendar months for the year 1976.

There were approximately 3,623 signs removed including those purchased on right of way projects, from sign companies, plus abandoned, illegal, nominal value, and wind damaged signs.

The total cost of the above signs, including State and Federal funds is: $850,000.00.

This figure includes appraisals, review of appraisals, advertising control, sign removal, sign inventory on highways previously designated as secondary highways, condemnation proceedings, equipment, supplies and miscellaneous overhead. Where applicable, this includes payment to the sign owner and site owner.

Anticipated Sign Removal for 1977

The estimated total expenditures for the sign removal program in calendar year 1977 is: $950,000.00.

The Federal share is $712,500.00 and the State's share is $237,500.00.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 220. Replaced on Select File as amended.
E & R amendments to LB 220:

1. Restore original numbers to original sections 22 to 24 and renumber the new section found in committee amendments as section 33.
2. On page 2, line 24, strike "13" and insert "14".
3. On page 6, line 26, strike "18" and insert "19".
4. On page 7, line 14, strike "19" and insert "20".
5. On page 9, line 26, strike "27" and insert "28".
6. In line 1 of E & R 6 adopted 2/18, insert "the second" after "strike".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 177 in the Journal

Mr. Dworak asked unanimous consent to print the following amendments to LB 177 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 177

1. Strike original sections 1 through 3 and insert the following:

"Section 1. This act shall be known and may be cited as the Nebraska Wage Payment and Collection Act.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Employer shall mean any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor thereof, employing any person as an employee, except that employer shall not be construed to include the state;

(2) Employee shall mean any individual permitted to work by an employer; and

(3) Wages shall mean compensation for labor or services rendered by an employee, including fringe benefits, when previously agreed to and conditions stipulated have been met by the employee, whether the amount is determined on a time, task, fee, commission, or other basis.

Sec. 3. Except as otherwise provided in this section, each employer shall pay all wages due its employees on regular days designated by the employer or agreed upon by the employer and employee. Thirty days' written notice shall be given to an employee before regular paydays are altered by an employer. An employer may deduct, withhold, or divert a portion of an employee's wages only when the employer is required to or may do so by state or federal law or by order of a court of competent jurisdiction or the employer has written agreement with the employee to deduct, withhold, or divert. Whenever an employer separates an employee from the payroll, the unpaid wages shall become due on the next regular pay period or within two weeks of the date of termination, whichever is sooner.

Sec. 4. An employee having a claim for wages which are not paid within thirty days of the regular payday designated or agreed upon may institute suit for such unpaid wages in the proper court. If an employee shall establish a claim and secure judgment on the claim, such employee shall be entitled to recover (1) the full amount of the judgment and all costs of such suit, and

(2) if such employee has employed an attorney in the case, an amount for attorney fees assessed by the court which fees shall not be less than twenty-five per cent of the unpaid wages. If the cause is taken to an appellate court and plaintiff shall recover judgment, the appellate court shall tax as costs in the action, to be paid to the plaintiff, an additional amount for attorney fees in such appellate court which fees shall not be less than twenty-five per cent of the unpaid wages. If the employee shall fail to recover a judgment in excess of the amount that may have been tendered within thirty days of the regular payday by an employer, then such employee shall not recover the attorney fees provided by this section and shall pay the employer's attorney fees and costs of the action as assessed by the court.

Sec. 5. If an employee shall establish a claim and secure judgment on such claim under section 4 of this act, an amount equal to the judgment shall be recovered from the employer, if ordered by the court, and shall be placed in a fund to be distributed to the common schools of this state.".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 29. Mr. DeCamp moved to return LB 29 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. DeCamp asked unanimous consent to withdraw his motion.

Mr. Maresh objected.

The motion to return LB 29 to Select File lost with 6 ayes, 28 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to county community buildings; to provide for the maintenance and use of community buildings; to provide for the formation, powers, and operation of districts; to authorize a tzx; and to provide for dissolution.

Whereupon the 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	Boughn	Brennan	Burrows	Cope
Fitzgerald	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Kremer	Labedz	F. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 15:

Barnett	Carsten	Chambers	Clark	Cullan
DeCamp	Duis	Dworak	Fowler	Kelly
Lamb	R. Lewis	Marvel	Mills	Rasmussen

Present and not voting, 1:

Schmit

Excused and not voting, 1:

Koch

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

LEGISLATIVE BILL 219.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1976, relating to income tax; to allow a food sales tax credit by the guardian of a ward claimed as an exception by a nonresident taxpayer; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 3:

Carsten Clark Marvel

Excused and not voting, 1:

Koch

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 section 8-355, Revised Statutes Supplement, 1976, 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, 47:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 1:

Koch

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

LEGISLATIVE BILL 267. Mr. F. Lewis moved to return LB 267 to Select File for the following specific amendment:

Line 8 page 2 strike "10" and insert "30" and on line 5, page 3 strike "1" and insert "30"

The motion prevailed with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 268.

A BILL FOR AN ACT to adopt the Nebraska Graded Egg Act; to provide severability; and to repeal sections 81-275.15 to 81-275.35, 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 2:

R. Lewis Marvel

Excused and not voting, 1:

Koch

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 sections 77-27,150, 77-27,151, 77-27,152, and 77-27,154, Revised Statutes Supplement, 1976, relating to the Water Pollution Control Tax Refund Act; to eliminate the Department of Health from any duties under such 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 2:

Chambers Keyes

Excused and not voting, 1:

Koch

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 88.

Correctly Enrolled

The following bills were correctly enrolled: 479, 491, and 492.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 479, 491, and 492.

NOTICE OF COMMITTEE HEARINGS
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Friday, March 18, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Charles E. Blair – Nebraska Investment Council

Norris Leamer
Nebraska Coordinating Commission for Post Secondary Education

Dr. James Thayer – Nebraska Arts Council

Wendell W. Wood
Nebraska Coordinating Commission for Post Secondary Education

Tom Doyle – Code of Ethics Board

William E. Peters – Code of Ethics Board

Roy E. Gardner – Code of Ethics Board

Donald R. Treadway – Code of Ethics Board

Charles Broderson – Code of Ethics Board

Mrs. Joan Nelson – Nebraska Arts Council

(Signed) John S. Savage, Chairman

ATTORNEY GENERAL'S OPINIONS

Opinion No. 33
March 4, 1977

Dear Senator Dworak:

You have forwarded to our office for review proposed amendments to LB 104. LB 104 may be generally described as a bill to provide a procedure whereby the Department of Labor will assist individuals in collecting wages from employers where a dispute exists over the liability for payment or where the employer refuses to pay wages due.

In earlier hearings on this bill Mr. Vitamvas of our office raised certain questions regarding the constitutionality of LB 104. These questions related to the assignment to the Department of Labor of wage claims, the payment of such penalties to the general fund, and the giving or pledging of the credit of the state to private individuals. We would note that while the amendments proposed in most cases delete any provision for the assignment of claims by private individuals, section 11 still contains a reference to claims assigned to the Commissioner, we view this as an oversight. The amendments further provide that penalties or forfeitures be paid into the school fund of the state. While these changes meet some of the objections previously raised, the remaining objections still exist. Additionally, a question exists regarding the validity of the power granted the Commissioner under section 9, subsection 2 wherein he is apparently authorized to conduct searches or seizures in businesses without first having secured a warrant from an appropriate court. It is generally the law that administratiive (sic) inspections require a warrant. Only significant reasons such as an emergency, would make unnecessary the issuance of a warrant based upon an affidavit showing probable cause.

The most important constitutional problem relating to LB 104 is based upon Article XIII, Section 3 which in relevant part provides:

> "The credit of the state shall never be given or loaned in aid of any individual, association, or corporation, . . ."

In LB 104 section 9, subsection 1 authorizes the Commissioner to hold hearings and investigation charges of violations of the act. Section 10 authorizes the Commissioner to determine whether wages have been paid or not and whether an enforceable claim exists. Subsection 2 of section 10 authorizes the Commissioner with the assistance of the Attorney General to commence a lawsuit in court to recover for the benefit of the employee any wages or interest due.

In the first instance the Commissioner is performing administrative acts that aid an individual in violation of Article XIII, section 3. He is making a determination that certain sums are due form (sic) an employer to an employee. This requires that he perform specific acts requiring the expenditure of money, the employment of personnel and the utilization of

state owned property. While we do not suggest that such a procedure at all times violates this constitutional prohibition, when it is coupled with the authorization to commence a lawsuit to collect a private judgment, it is our view that Article XIII, section 3 has been violated.

In State ex rel. Beck v. the City of York, 164 Neb. 223, 82 N.W.2d 269 (1957), the Supreme Court was faced with a question involving an attempt by the City of York to issue revenue bonds for the purpose of financing the construction of an industrial facility to be rented to a private corporation. The court held:

> ". . . It is clear that the framers of our Constitution had in mind a prohibition against giving or loaning the credit of the State or any subdivision thereof for a purely private purpose. . . ."

The court further pointed out that while the revenue bonds under consideration in Beck were not general obligations of the city that the provision was still violated because:

> ". . . [T]hey do cast burdens upon the city with reference to their issuance and payment. The city and its officers are charged with the duty of fixing and collecting the rentals from which the revenue bonds are to be paid. This necessitates the execution of leases, the fixing of rentals, the taking of chattel mortgages on equipment to secure the payment of rent, the providing of insurance coverage, and the determination of payments to be made in lieu of taxes. It imposes duties and responsibilities upon the city and its officers on matters which are private rather than public in character. . . ." (Emphasis added).

We believe that the same situation exists under the proposed legislation and the amendments proposed to LB 104. Duties and responsibilities are cast upon the Department of Labor and the Office of Attorney General which are private rather than public in character. They are required under the act to collect moneys from one private party for another private party. Thus the effect is to subsidize private lawsuits by the expenditure of public revenue this in our opinion violates the provisions of Article XIII, section 3.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ss
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 34
March 4, 1977

Dear Senator DeCamp:

You state that you are in receipt of our opinion of 24 February 1977 and numbered 27 which pertains to the legality of deducting administrative costs from monies collected as a result of the issuance of parking tickets under rules,by-laws or ordinance of municipal subdivisions less than a county. You further state that if these municipal subdivisions are required to pay over these administrative costs to the common schools, there are other problems and issues raised, to-wit:

> "The fines levied and now turned over to the school, going back years and years, would be an accountable receipt under the Nebraska laws and thus would be a factor in determining state aid payments. Under these circumstances, because the amount is substantial, it would appear that this would dramatically alter the amount properly owed by the State under state aid to various school districts, particularly in the Omaha/Bellevue area, and thus these school districts might be indebted to the State for overpayments of state aid in past years. Please advise as to this matter."

This office, of course, has no data from which we can determine the amount of fines, penalties, and license money, if any, that would be appropriated to each of the common schools as a result of our opinion described above and therefore we obviously cannot make any specific comments pertaining thereto. We can tell you that the amount of each equalization grant that each school district receives in a given year under the School Foundation and Equalization Act is limited, in part, by the amount of fines and license monies which a school district has received in the year prior thereto. Neb.Rev.Stat. Section 79-1333 (Reissue 1971) and Neb.Rev.Stat. Section 79-1338 (1976 Supp.). Thus, the problem you pose may be self-correcting.

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

Opinion No. 35
March 4, 1977

Dear Senator Maresh:

In connection with the School Foundation and Equalization Act you have inquired if the qualifying mill levy in the equalization formula is constitutional. You state that LB 33 of the Eighty-Fifth Legislature, First Session (1977), is on the floor of the Legislature and therefore you request an expedited reply.

Subject to certain conditions, school districts are entitled to several basic grants under the School Foundation and Equalization Act, including incentive, foundation, and equalization. Each basic grant is based upon different criteria and each is designed to serve a specific purpose. As a condition precedent to an equalization grant, school districts are required to levy, in the manner prescribed by law, a tax of a stated number of mills on the valuation of all taxable property within the district for the preceding year. Neb.Rev.Stat. Section 79-1335 (Reissue 1971); Section 3 of LB 33, supra. The computation of an equalization grant takes into account the number of students and the grades in which they are enrolled plus the number of students in certain special programs (if offered) plus population density of the county plus the number of students eligible to be transported by bus less certain stated operating funds. The formula, in statutes, may be stated as follows:

> The qualifying mill levy in 79-1335 is a condition precedent. If properly levied, the equalization grant is computed by adding 79-1336 plus 79-1333.01 (if applicable) plus 79-1337 less 79-1338. The difference, if any, is the equalization grant, assuming the act is fully funded.

Thus, the equalization grant tends to equalize property taxes between school districts. It also takes into account the financial strength of local school districts.

In McInnis v. Shapiro, 293 F.Supp. 327 (N.D. Ill. 1968), aff'd. per curiam sub nom McInnis v. Ogilvie, 394 U.S. 322 (1969), the court stated:

> "There is no constitutional requirement that public school expenditures be made only on the basis of pupils' educational needs without regard to the financial strength of local school districts. Nor does the Constitution establish the rigid guidelines of equal dollar expenditures for each student."

It is therefore clear that the qualifying mill levy in the School Foundation and Equalization Act bears a rational relationship to a legitimate state purpose. Consequently, we are of the opinion that it is not unconstitutional per se.

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

Opinion No. 36
March 7, 1977

Dear Senator R. Lewis:

In a recent inquiry you note that Section 1 of Article VIII of the Constitution of Nebraska "sets forth the requirements for uniform classification and valuation of property for tax purposes." You then state as follows:

> ". . . Recognizing the constitutional denial of using appraised values that are unequal across taxing jurisdictions, my question is: Does not this same prohibition exist for the utilization of appraised valuation in the determination of eligibility in the formula for the distribution of state aid to schools under the equalization provisions of section 79-1335, R.R.S. 1943, and proposed amendments thereto under Legislative Bill 33 of the 1977 Legislature."

We think not. As a condition precedent to an equalization grant, school districts are required to levy, in the manner prescribed by law, a tax of not less than a stated number of mills on the valuation of all taxable property within the district for the preceding year. Neb.Rev.Stat. Section 79-1335 (Reissue 1971); Section 3 of LB 33 of the Eighty-Fifth Legislature, First Session (1977). It is to be observed that the sections of the statutes cited do not authorize different valuations of property between school districts in the same county nor different valuations of property between school districts in different counties. Hence, it would appear that a court would not have any basis to declare that equalization grants under the School Foundation and Equalization Act are unconstitutional even if the assessment of property among counties were unequal. In connection therewith the law requires the assessments to be reviewed and equalized annually. Neb.Rev.Stat. Sections 77-1514, 77511, 77-506 and 77-507 (Reissue 1971); Fromkin v. State, 158 Neb. 377, 63 N.W.2d 332 (1954); and Laflin v. State Board of Equalization and Assessment, 156 Neb. 427, 56 N.W.2d 469 (1953). A fortiori, the assessment of property between counties is presumably equalized.

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

Opinion No. 37
March 8, 1977

Dear Senator DeCamp:

In your letter of March 3 you refer to a practice of keeping a large portion of the monies paid as a result of the issuance of parking tickets as administrative costs, and ask if labeling a part of these funds as court costs would authorize the cities to keep a part of these funds rather than turning them over to the schools.

In our opinion of February 24, 1977, we referred to the decision in School District of Omaha v. City of Omaha in which the Supreme Court held that a city may not divert penalties to any other purpose and more specifically that forfeited recognizances could not be diverted to a fund other than the schools.

It is our conclusion, from reading both the McCook and Omaha school district cases together, that the Supreme Court is saying that none of the money paid as a result of the issuance of a parking ticket may be diverted to any other purpose, however designated, than the support of the common schools.

Very truly yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 38
March 7, 1977

Dear Senator DeCamp:

This is in reply to your inquiry as to whether or not L.B. 204 violates the provisions of Article III, Section 14 of the Nebraska Constitution, pertaining to containing more than one subject.

As you know, the applicable portion of said constitutional provision provides:

> ". . .No bill shall contain more than one subject, and the same shall be clearly expressed in the title. . . ."

The Supreme Court of Nebraska has construed this provision liberally in a number of cases. For example in Midwest Popcorn Co. v. Johnson, 152 Neb. 867, that court stated:

> ". . .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. Van Horn v. State, supra. . . ."

There are a number of Supreme Court of Nebraska cases of the same general effect.

However, while L.B. 204 is a broad general act relating to the treatment, detection, etc. of alcoholism and intoxication to which the voluminous sections thereof could be said to generally relate, we specifically call your attention to section 76 which purports to amend section 53-160, R.R.S. 1943, by raising the tax on alcohol as therein provided. The last sentence of said section 53-160, which is not changed by section 76 of L.B. 204, provides:

> ". . .The net proceeds of all revenue arising hereunder shall inure to the state General Fund."

Since the proceeds of the tax are in no way connected or earmarked for the support of alcohol treatment, detection, etc. which appear to be the broad general subject of the act otherwise, it would be impossible for us to establish that the section raising the tax on alcoholic beverages is germane to the rest of the act.

For these reasons, it is our opinion that L.B. 204 contains more than one subject in violation of the above constitutional provision.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:pjf
cc: Vincent D. Brown
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. DeCamp renewed his pending amendment (1) found in the Journal on page 741 for the Thirty-Eighth Day, as amended.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 34:

Bereuter	Boughn	Brennan	Burrows	Carsten
Cope	Cullan	DeCamp	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Marsh	Merz
Moylan	Murphy	Rasmussen	Savage	Schmit
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 3:

Chambers	Fowler	Maxey

Present and not voting, 11:

Barnett	Clark	Duis	Maresh	Marvel
Mills	Newell	Nichol	Reutzel	Rumery
Simon				

Excused and not voting, 1:

Koch

The DeCamp amendment (1), as amended, was adopted with 34 ayes, 3 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Chambers moved to recommit LB 38 to committee for a public hearing on the abortion section.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Chambers asked unanimous consent to withdraw his motion.

Mr. DeCamp objected.

The Chambers motion to recommit LB 38 lost with 9 ayes, 27 nays, 12 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to return Article 3 of LB 38 to committee.

The Chair ruled the motion out of order.

Mr. Chambers challenged the decision of the Chair.

The question is, "Shall the Chair be overruled?" The motion lost with 2 ayes, 33 nays, 13 present and not voting, and 1 excused and not voting.

The Chair was sustained.

The DeCamp amendment (2) found in the Journal on page 742 was renewed.

Mr. F. Lewis 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 DeCamp amendment (2) page 742 was adopted with 34 ayes, 7 nays, 7 present and not voting, and 1 excused and not voting.

Mr. DeCamp renewed amendment (3) found in the Journal on page 742.

The DeCamp amendment (3) page 742 was adopted with 25 ayes, 4 nays, 19 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 267. The F. Lewis specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 199. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Member Excused

Mr. Swigart asked unanimous consent to be excused at 11:00 a.m. until 2:30 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 275. Mr. Hefner offered the following amendment:

1. On page 2, lines 10 and 23 strike "forty" and insert "twenty".
2. On page 6, line 13 strike "forty" and insert "twenty".
3. On page 7, line 12 strike "forty" and insert "twenty".

Mr. F. Lewis offered the following amendment to the Hefner amendment:
Amend the Hefner amendment strike 20 and insert 50

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 21 ayes, 16 nays, and 12 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The F. Lewis amendment lost with 21 ayes, 20 nays, 6 present and not voting, and 2 excused and not voting.

The Chair ruled all amendments on Select File take 25 votes to adopt.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mr. Hefner moved for a Call of the House. The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

Mr. Clark requested a roll call vote on the Hefner amendment.

Voting in the affirmative, 23:

Barnett	Carsten	Clark	Cope	DeCamp
Duis	Dworak	George	Hasebroock	Hefner
Kahle	Kremer	Lamb	R. Lewis	Maresh
Mills	Murphy	Nichol	Rasmussen	Rumery
Schmit	Stoney	Warner		

Voting in the negative, 22:

Bereuter	Boughn	Brennan	Burrows	Cullan
Fitzgerald	Fowler	Goodrich	Kelly	Keyes
Labedz	F. Lewis	Luedtke	Marsh	Marvel
Maxey	Moylan	Newell	Reutzel	Savage
Simon	Venditte			

Present and not voting, 2:

Chambers Merz

Excused and not voting, 2:

Koch Swigart

The Hefner amendment lost with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 205. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 218. E & R amendment found in the Journal on page 735 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. Mr. DeCamp moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 137. E & R amendment found in the Journal on page 735 for the Thirty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 230. E & R amendment found in the Journal on page 735 for the Thirty-Eighth Day was adopted.

Laid over at the request of Mr. Savage.

LEGISLATIVE BILL 230 A. Laid over at the request of Mr. Savage.

UNANIMOUS CONSENT—Member Excused

Mr. Nichol asked unanimous consent to be excused Friday, March 11, 1977. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present I would have voted "aye" on the DeCamp amendment (1) to LB 38.

(Signed) Richard Maresh

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Friday, March 18, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

James W. McBride
Board of Educational Lands & Funds

(Signed) John S. Savage, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 380A. By Burrows, 30th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 380, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 504. Placed on General File as amended.
Standing Committee amendment to LB 504:
1. On page 6, after line 20, insert:
"Claim No. 190, against the Public Service Commission, pay to Elmer J. Babel, P.O. Box 96, Columbus, Nebraska, 68601, out of the General Fund $30.00".

LEGISLATIVE BILL 505. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Judiciary

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendment to LB 111:
1. On page 2, line 3, strike "one hundred fifty" and insert "three hundred".

LEGISLATIVE BILL 287. Indefinitely postponed.
LEGISLATIVE BILL 288. Indefinitely postponed.
LEGISLATIVE BILL 292. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

VISITORS

The President introduced 16 twelfth grade students and teacher from Elk Creek High School; and 71 ninth grade students and teacher from Bloomer Jr. High, from Council Bluffs, Iowa.

RECESS

At 11:59 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:11 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except members of Appropriations Committee and Public Works Committee who were excused until they arrive; Mr. Dworak who was excused; Mr. Koch who was excused until he arrives; and Messrs. Marvel and Swigart who were excused until 2:30 p.m.

ANNOUNCEMENT

Mr. Rasmussen announced a cancellation of the executive session, Thursday, March 10, 1977 at 1:30 p.m. of Government, Military and Veterans Affairs Committee.

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 517 Monday, March 21, 1977 12:00 noon

(Signed) John W. DeCamp, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 258. Placed on General File as amended.
Standing Committee amendment to LB 258:

1. On page 3, line 11 after "hundred" insert "fifty" and after "dollars" insert "; Provided, that any bank may accept such offer in an amount of one hundred thousand dollars or fifty thousand dollars".

LEGISLATIVE BILL 262. Placed on General File.
LEGISLATIVE BILL 261. Indefinitely postponed.

(Signed) John W. DeCamp, Chairman

GENERAL FILE

LEGISLATIVE BILL 427. Title read. Considered.

Standing Committee amendments found in the Journal on page 564 for the Twenty-Ninth Day were considered.

Mr. F. Lewis moved to adjourn. The motion lost.

Standing Committee amendments lost with 23 ayes, 1 nay, 2 present and not voting, and 23 excused and not voting.

Mr. F. Lewis asked unanimous consent to bracket LB 427 until Monday, March 14, 1977. No objections. So ordered.

LEGISLATIVE BILL 472. Title read. Considered.

Mr. Simon moved for a Call of the House. The motion lost with 7 ayes, 9 nays and 33 not voting.

Mr. Keyes moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 1 nay, and 34 not voting.

Standing Committee amendment found in the Journal on page 564 for the Twenty-ninth Day lost with 24 ayes, 1 nay, 1 present and not voting, and 23 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 83, 266, 304, 332, 364, and 374.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT -- Print Amendment to LB 427 in Journal

Mr. Keyes asked unanimous consent to print the following amendment to LB 427 in the Journal. No objections. So ordered.

1. Insert a new section 1 as follows:
"Section 1. That section 39-6,177, Revised Statutes Supplement, 1976, be amended to read as follows:
39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light

at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) unbaled livestock forage vehicles loaded or unloaded that comply with subsection (4) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, (7) livestock forage vehicles hauling round bales which, including the load thereon, may be ten feet in width, or ~~(7)~~ (8) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation. The Director-State Engineer, with respect to highways under his jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision ~~(7)~~ (8) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.".

2. On page 3, line 1, strike "section" and insert "sections 39-6,177 and"; and in line 2, strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3.

ANNOUNCEMENTS

Mr. DeCamp announced an executive session of the Banking, Commerce and Insurance Committee at 9:00 a.m., Thursday, March 10, 1977.

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 11:00 a.m., Thursday, March 10, 1977.

RESOLUTIONS

LEGISLATIVE RESOLUTION 20.

Introduced by Urban Affairs Committee: George, 16th District, Chairman; Duis, 39th District; DeCamp, 40th District; Schmit, 23rd District; Maxey, 46th District.

WHEREAS, Government officials in city, county and school government in the State of Nebraska appear, on the basis of the recent Nebraska Attorney General's opinion, to be acting in direct contravention and defiance of the constitution of the State of Nebraska, and

WHEREAS, this violation of the Constitution may be withholding from schools in the State millions of dollars of parking meter penalties, and

WHEREAS, public statements by public officials involved indicate that there is no intent to alter the present course of conduct in withholding these funds.

NOW THEREFORE BE IT RESOLVED:

1. That the Attorney General of the State of Nebraska be requested and directed to investigate whether criminal sanctions are appropriate to force officials to comply with the Constitution with respect to the proper use of parking meter penalties.

2. That the Legislature, through its Urban Affairs Committee, be directed to investigate the issue of the application of parking meter penalties to determine what legislative action may be proper or necessary to enforce the Constitution with respect to parking meter penalties or to enact legislative or constitutional changes with respect to this subject.

3. That the Urban Affairs Committee be authorized and directed to obtain adequate counsel and assistance to fully explore all implications, financial, legal or otherwise, of possible or probable violations by public officials of the Constitution of Nebraska.

Laid over.

VISITORS

The President introduced Mr. and Mrs. Rupert Bereuter, parents of Senator Douglas Bereuter.

ADJOURNMENT

Speaker Luedtke moved to adjourn until 9:00 a.m., Monday, March 14, 1977. The motion lost with 10 ayes, 15 nays and 24 not voting.

Mr. F. Lewis moved to adjourn until 9:00 a.m., Thursday, March 10, 1977. The motion prevailed with 15 ayes, 14 nays, and 21 not voting. The Chair voted "aye" to break the tie.

At 2:36 p.m., the Legislature adjourned until 9:00 a.m., Thursday, March 10, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTIETH DAY—MARCH 10, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 10, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan 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. Burrows and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Thirty-Ninth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1977, at 8:30 a.m., were the following bills: 479, 491, and 492.

(Signed) Janet Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 125. Replaced on Select File as amended.
E & R amendment to LB 125:

1. In lieu of the Simon amendment, on page 2, line 15, strike "or" and insert "by hand or by"; and in line 16 insert "by registered mail" after "request".

Correctly Engrossed

The following bills were correctly engrossed: 137, 199, 205, 218, and 275.

Correctly Enrolled

The following bills were correctly enrolled: 29, 219, 224, 268, and 308.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 29, 219, 224, 268, and 308.

STANDING COMMITTEE REPORTS
Constitutional Revision and Recreation

LEGISLATIVE BILL 21. Placed on General File as amended.
Standing Committee amendments to LB 21:

1. On page 3, line 22 after "displayed" insert "and legible"; line 23 strike "bow" and insert "forward half".

2. On page 6, lines 5 and 11 after "fifteenth" strike "and thirtieth", and after "of" strike "each" and insert "the following"; line 20 after "Sec. 21." insert "(1)"; after line 25 insert:

"(2) The person whose name appears on a certificate of number as an owner of a vessel shall remove the number and identification symbol, when (a) the vessel is documented by the United States Coast Guard, (b) the certificate of number was obtained by false statement, (c) the fees for issuance of a number are not paid, or (d) the vessel is no longer principally used in the state where the certificate was issued.".

3. On page 7, line 4 strike "ninety-day" and insert "sixty-day".

4. On page 8, line 25, after "loss" insert "or destruction".

5. On page 9, line 17 after the first comma insert "type of fuel," and after the second comma strike "and"; line 18 after "motors" insert "and the hull identification number"; line 19 after "Sec. 29." insert "(1)"; line 23 after "the" insert "theft, recovery," and after "destruction" insert ","; line 25 after "transfer," insert "theft,".

6. On page 10, after line 3 insert the following:

"(2) The certificate of number shall be declared invalid when (a) the vessel is required to be documented, (b) the certificate of number was obtained falsely, (c) the necessary fees where not paid, or (d) the person whose name appears on the certificate involuntarily loses his interest in the numbered vessel by legal processes."; line 22, after "2" insert "propelled by machinery"; line 24 after the semicolon strike "and".

7. On page 11, line 2 strike the period and insert "; and"; after line 2 insert "(3) a bright white light aft which shall show all around the horizon."; line 4 after "4" insert "propelled by machinery"; after line 5 insert "(1) a lantern or flashlight;"; renumber original subsections (1) through (3) of section 34 as subsections (2) through (4) respectively; line 25, after "Sec. 35." insert "(1)"; strike commencing with "vessels" in line 26 through the end of line 27 and insert "all vessels when propelled by sail alone shall carry (a) a lantern or flashlight, and (b) the red and green side lights".

8. On page 12, strike lines 1 and 2; strike commencing with the third comma in line 5 through the period in line 7 and insert "a twelve point white light which shall show aft, six points on either side of the centerline, at the stern."; after line 7 insert:

"(2) Rowboats and canoes or other vessels under hand power shall display a thirty-two point white light to show all around the horizon in time to avoid collision.".

9. On page 13, line 12, after the period insert "Every vessel shall carry at least one throwable floatation device, which shall be in addition to the devices required for each person on board.".

10. On page 14, line 26 strike "navigation" and insert "boating"; line 27 strike "navigation rules" and insert "boating regulations".

11. On page 15, line 17 after "of" strike "ninety" and insert "sixty".

12. On page 16, line 6, strike "identification" and insert "certificate of".

13. On page 18, line 8 after "information" insert "and within such time limit".

LEGISLATIVE BILL 108. Placed on General File.

LEGISLATIVE BILL 216. Placed on General File as amended.
Standing Committee amendments to LB 216:

1. On page 2, insert a new section as follows:
"Section 1. That section 37-232, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
37-232. It shall be unlawful for any person (1) while airborne in any aircraft to shoot or attempt to shoot for the purpose of killing any bird, fish, or other animal, (2) to use any aircraft to harass any bird, fish, or other animal, or (3) to knowingly participate in using any aircraft for such purposes unless he is the holder of a currently-valid permit issued under the provisions of section 37-233 and engages only in the activities permitted by such permit, or (4) to shoot or attempt to shoot any coyote from an aircraft under the authority of a permit issued under the provisions of section 37-233, unless permission has first been obtained from the landowners or tenants over whose land the aircraft is to be used to shoot or attempt to shoot coyotes."; on line 4 after "37-233." insert "(1)"; strike beginning with "(1)" in line 9 through "(2)" in line 11, and insert "(a) the coyote population is so large in an area as to present a substantial threat to livestock and other domesticated animals, and (b)"; strike beginning with "Such" in line 12 through the period in line 15 and show as stricken, and insert "The annual fee for the permit shall be five dollars and the permit shall expire on December 31 following the date of issuance." in line 19, after "section" insert ", and may designate areas in which the coyote population may present a threat or cause substantial damage to livestock and restrict the issuance of permits only to such areas"; and in line 19, after the underscored period, insert "The Game and Parks Commission, its officers and agents, and any law enforcement or peace officer of this state shall have the authority to enforce the provisions of this act."; in lines 26 and 27 strike "less than one thousand dollars nor".

2. On page 3, line 3, after "sections" insert "37 232,", and after "37-233" insert a comma.

3. Renumber original sections 1 through 3 as sections 2 through 4, respectively.

LEGISLATIVE BILL 282. Placed on General File.

LEGISLATIVE BILL 323. Placed on General File as amended.
Standing Committee amendment to LB 323:

1. On page 2, line 20, after "land" insert "or improvements to real property"; line 22 after "of" strike "solar energy systems or devices" and insert "direct alternate energy systems, including but not limited to direct solar and direct wind energy systems, designed and utilized for the production of heat, refrigeration, or electricity"; lines 24 through 27, strike the new matter.

LEGISLATIVE BILL 469. Placed on General File as amended.
Standing Committee amendments to LB 469:

1. On page 2, strike lines 7 through 27 and insert:
"Sec. 12. For the purpose of acquiring and redeveloping substandard or blighted property in a redevelopment project as determined by law, any city or village of the state, may, notwithstanding any other provision in the Constitution, and without regard to charter limitations and restrictions, incur indebtedness, whether by bonds, loans, notes, advance of money, or otherwise. Such cities or villages may also pledge for and apply to the payment of the principal, interest, and any premium on such indebtedness all taxes levied by all taxing bodies, which taxes shall be at such rate for a period not to exceed twelve years, 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 in other property in the respective taxing jurisdiction and such taxes applied as all other taxes of the respective taxing body.".
2. On page 3, strike lines 7 through 12 and insert:
"Constitutional amendment to provide that cities and villages may acquire and redevelop substandard or blighted property, issue bonds for the redevelopment and pay off such bonds by the receipt of additional property taxes from new valuations on property in such project.".

LEGISLATIVE BILL 482. Placed on General File.
LEGISLATIVE BILL 422. Indefinitely postponed.

(Signed) Gerald D. Koch, Chairman

Public Works

LEGISLATIVE BILL 395. Placed on General File as amended.
Standing Committee amendment to LB 395:

1. On page 2, lines 11 through 24 strike the new matter and reinstate the stricken matter and in line 13 strike "one dollar" and insert "~~one dollar~~ nine dollars"; in line 15 strike "two" and insert "~~two~~ twelve"; in line 17 strike "ten" and insert "~~ten~~

fifteen"; in line 19 strike "fifteen" and insert "~~fifteen~~ eighteen"; line 22 strike "twenty-five" and insert "~~twenty-five~~ thirty"; and in line 24 strike "forty" and insert "~~forty~~ forty-two".

(Signed) Maurice Kremer, Chairman

MESSAGE FROM THE GOVERNOR

March 9, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 129, 155, 172, and 443.

These bills were signed by me on March 8, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT—Print amendments to LB 38 in the Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

ARTICLE 5
Amendment to LB 38

1. On page 98, line 10, after the period insert "Any person violating the provisions of this section shall, upon conviction thereof, be punished by the penalty prescribed in the next lower classification below the value of the item lost, mislaid, or delivered under a mistake pursuant to section 120 of this act.".

2. On page 100, strike lines 26 and 27.

3. On page 101, strike line 1.

4. On page 101, strike original section 122 and insert:

"Sec. 122. (1) A person commits first degree criminal trespass if, knowing that he is not licensed

or privileged to do so, he enters or secretly remains in any building or occupied structure, or any separately secured or occupied portion thereof.

(2) First degree criminal trespass is a Class I misdemeanor.".

5. On page 102, strike original sections 123 and 124 and insert:

"Sec. 123. (1) A person commits second degree criminal trespass if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(a) Actual communication to the actor; or

(b) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(c) Fencing or other enclosure manifestly designed to exclude intruders.

(2) Second degree criminal trespass is a Class III misdemeanor, except as provided for in subsection (3) of this section.

(3) Second degree criminal trespass is a Class II misdemeanor if the offender defies an order to leave personally communicated to him by the owner of the premises or other authorized person.".

6. On page 102, strike original section 125 and insert:

"Sec. 124. It is an affirmative defense to prosecution under sections 122 and 123 of this act that:

(a) A building or occupied structure involved in an offense under section 122 of this act was abandoned; or

(b) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(c) The actor reasonably believed that the owner of the premises or other person empowered to license access thereto, would have licensed him to enter or remain; or

(d) The actor was in the process of navigating or attempting to navigate with nonpowered vessels any stream or river in this state, and found it necessary to portage or otherwise transport their vessels around any fence or obstructions in such stream or river.".

7. On page 103, line 16, strike "III" and insert "IV".

8. Renumber remaining sections accordingly.

UNANIMOUS CONSENT–Member Excused

Mr. Stoney asked unanimous consent to be excused until 10:00 a.m. on March 11, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused Friday, March 11, 1977 and until he arrives on Monday, March 14, 1977. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 21.

Introduced by Barnett, 26th District.

WHEREAS, assault and battery by one marital partner upon the other within the home is a form of violence referred by the Federal Bureau of Investigation as exhibiting a frequency of occurance three times greater than the crime of rape in the United States; and

WHEREAS, such spouse assault is no less likely to occur in rural than urban area, and cannot be related to any single class or occupational group of citizens; and

WHEREAS, current procedures of law enforcement agencies and our judiciary seem to be of little aid in fully bringing incidents of spouse assault to light, fully protecting its victims or bringing violators to justice; and

WHEREAS, an increasing portion of Nebraska community resources are now needed to cope with the legal, emotional and financial problem, for Nebraskans brought about by incidences of spouse assault; and

WHEREAS, our government at all levels should work toward the most fair and reasonable treatment possible of all individuals effected by spouse assault acts.

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

1. That the Legislature's Judiciary committee perform an interim study of spouse assault and related matters. Such study shall include the following elements:

a. The Committee shall survey current state law relating to spouse assault examining its content and actual effectiveness of enforcement;

b. The Committee shall consider and evaluate techniques and procedures for reporting incidents of spouse assault with the purpose of finding feasible and potentially effective guidelines for use in Nebraska law;

c. The Committee shall examine the effectiveness of current practice and procedures in law enforcement relating to enforcement of court issued protective orders and classification and handling of alleged offenders;

d. The Committee shall consider alternative sentencing procedures which may better assist and direct the judiciary in the disposition of matters relating to convicted offenders; and

e. The Committee shall determine the feasibility and workability of establishing a pilot program of marital violence treatment centers in Nebraska.

2. That the Committee shall hold public hearings in at least three communities outside of and in addition to the areas of Lincoln and Omaha to gather citizen imput on matters germane to this study.

3. That the Committee shall consider in its process of study and evaluation the legislation proposed or enacted in other states specifically dealing with matters of spouse assault.

4. That the Committee shall solicit imput from, but not be limited to, the following organizations:

a. the Lincoln-Lancaster Commission on the Status of Women;

b. the Nebraska Task Force on Abused Women (Nebraska Commission);

c. the Omaha Commission on the Status of Women; and

d. any other organizations interest in legislation against home violence.

5. That the Committee shall make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION—Introduce Bill

Mr. Schmit moved the introduction of a new bill by the Committee on Agriculture and Environment. (Req. No. 818)

Mr. Schmit moved to suspend the rules to add the names of Messrs. Mills, Cullan, Nichol, Kremer, Carsten, and Clark to Req. No. 818.

The motion prevailed with 33 ayes, 0 nays, 13 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The motion to introduce the new bill prevailed with 32 ayes, 7 nays, 9 present and not voting, and 1 absent and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 518. By Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Lamb, 43rd District; Maresh, 32nd District; Burrows, 30th District; Kahle, 37th District; Venditte, 7th District; DeCamp, 40th District; and Mills, 44th District; Clark, 47th District; Carsten, 2nd District; Kremer, 34th District; Nichol, 48th District; Cullan, 49th District.

A BILL FOR AN ACT to amend section 77-202.30, Revised Statutes Supplement, 1976, relating to taxation; to provide for exemption from taxation of certain classes of personal property; to provide a maximum amount to be placed in the Personal Property Tax Relief Fund; to provide for reimbursement to taxing agencies; and to repeal the original section.

LEGISLATIVE BILL 406A. By Moylan, 6th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 406, Eighty-fifth Legislature, First Session, 1977.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 157. Placed on General File.

(Signed) John W. DeCamp, Chairman

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will hold an executive session at 2:00 p.m. today.

UNANIMOUS CONSENT—Member Excused

Mr. Koch asked unanimous consent to be excused until 11:00 a.m.. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 314.

A BILL FOR AN ACT to amend sections 39-6,124, 39-6,133, 39-6,136, and 39-6,155, Reissue Revised Statutes of Nebraska, 1943, and sections 60-320 and 60-407, Revised Statutes Supplement, 1976, relating to motor vehicles; to change provisions relating to equipment on motorcycles as prescribed; to change provisions relating to learners' permits of motorcycle operators; to provide provisions for an In Transit decal for motorcycles; and to repeal the original sections, and also section 60-403.05, Reissue Revised Statutes of Nebraska, 1943, and section 60-403.02, Revised Statutes Supplement, 1976.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 2:

Kremer R. Lewis

Excused and not voting, 1:

Koch

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

LEGISLATIVE BILL 393.

A BILL FOR AN ACT to amend section 39-6,164, Reissue Revised Statutes of Nebraska, 1943, and section 39-6,127, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 211, Eighty-fifth Legislature, First Session, 1977, relating to rules of the road; to change equipment 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, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly

Keyes	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 3:

Fitzgerald	Kremer	Moylan

Excused and not voting, 1:

Koch

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

LEGISLATIVE BILL 399.

A BILL FOR AN ACT to amend section 48-1,104, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation claims against the state; to change the requirements for the annual report; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Mills	Moylan	Murphy	Newell	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 4:

Fitzgerald	Kremer	Marvel	Nichol

Excused and not voting, 1:

Koch

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

GENERAL FILE

LEGISLATIVE BILL 472. Considered.

Standing Committee amendment found in the Journal on page 564 for the Twenty-Ninth Day was adopted with 25 ayes, 2 nays, 21 presnet and not voting, and 1 excused and not voting.

Mr. Newell moved to re-refer LB 472 back to committee.

Mr. Newell asked unanimous consent to withdraw his motion. No objections. So ordered.

Laid over.

LEGISLATIVE BILL 265. Title read. Considered.

Standing Committee amendment found in the Journal on page 568 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 334. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 335. Title read. Considered.

Standing Committee amendment found in the Journal on page 573 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 336. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 152. Title read. Considered.

Standing Committee amendments found in the Journal on page 576 for the Twenty-Ninth Day were adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 190. Title read. Considered.

Advanced to E & R for Review with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 275A. Title read. Considered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Advanced to E & R for Review with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 203. Title read. Considered.

Advanced to E & R for Review with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Rumery asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 58. Title read. Considered.

Standing Committee amendment found in the Journal on page 581 for the Thirtieth Day was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 487. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.

Standing Committee amendment found in the Journal on page 600 for the Thirty-First Day was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 398. Title read. Considered.

Mr. Newell offered the following amendment:
To amend 398 to include all employee in State Government and all political Subdivision.

Mr. Newell asked unanimous consentto withdraw his amendment. No objections. So ordered.

Laid over.

Mr. Marvel asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

LEGISLATIVE BILL 38. Considered.

Mr. DeCamp requested his pending amendments 4 and 5, found in the Journal on page 742 be withdrawn.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

Mr. Burrows offered the following amendment:
On page 25 line 8 replace the comma with a period and strike the language after the period on lines 8, 9, and 10.

Mr. Burrows requested his amendment be withdrawn.

Mr. Burrows moved to indefinitely postpone.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 10 nays, and 17 not voting.

The motion to indefinitely postpone lost with 10 ayes, 22 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Chambers renewed his pending amendments 1 through 5 found in the Journal on page 733 for the Thirty-Seventh Day.

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

The Chambers amendment (1) found in the Journal on page 733 lost with 9 ayes, 21 nays, 17 present and not voting, and 2 excused and not voting.

SPEAKER LUEDTKE PRESIDING

Mr. Chambers asked unanimous consent to add the following to his amendment (3):

In lines 17, 20 & 23 strike "or prescribing".

No objections. So ordered.

Amendment (3) as amended, was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Chambers amendments (2) (4) and (5) are pending.

ANNOUNCEMENTS

Mr. George announced an executive session of the Urban Affairs Committee on Friday, March 11, 1977 from 1:00 to 2:00 p.m.

Mr. Kremer announced the Public Works Committee will meet in executive session at 3:30 p.m. today in the East Chamber.

Mr. Maresh announced the Business and Labor Committee will meet in executive session at 1:00 p.m. on Monday, March 14, 1977 in the Supreme Court Hearing Room.

RESOLUTIONS

LEGISLATIVE RESOLUTION 22.

Introduced by DeCamp, 40th District; Kremer, 34th District.

WHEREAS, the Norden Dam Project has involved countless man-hours and several decades of planning and development; and

WHEREAS, this project is anticipated to be a source of irrigation water for seventy-seven thousand acres of farmland and encourage many recreational opportunities for Nebraska; and

WHEREAS, the invaluable advantages of ground water recharge and retention of pure water which would otherwise flow to the sea will be lost to a large segment of the Great Plains, including Nebraska; and

WHEREAS, the Norden Dam Project is one of those being reviewed for possible deauthorization by representatives of President Carter; and

WHEREAS, a recent ruling of the U. S. District Court has temporarily halted progress on this project due to certain defects in the environmental impact statement as prepared by the Bureau of Reclamation.

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

1. That Nebraska Senators Carl T. Curtis and Edward Zorinsky as well as Representatives John Cavanaugh, Virginia Smith and Charles Thone are urged and admonished by the members of the Nebraska Legislature to publicly commit themselves to the support of the Norden Dam Project and aggressively work to forward this project in Congress.

2. That all proponents of the project and the Bureau of Reclamation complete work on the revisions in the defective environmental impact statement at once to expedite continued progress of the project.

3. That the Legislature requests that the Carter Administration complete its review of the status of the Norden Dam Project as quickly as possible.

4. That copies of this resolution be sent to the Congressional Delegation of Nebraska and President Carter with the expressed wish that work on the Norden Dam Project may continue without further delay.

Laid over.

VISITORS

The President introduced Mr. and Mrs. Ed Burkey of Milford; Mr. and Mrs. Darrel Jensen, Scott, Trent and Jerry of Kearney; 15 seventh, eighth and ninth grade students and 3 leaders from Cadel Girl Scouts of North Platte.

ADJOURNMENT

At 12:00 Noon, on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Friday, March 11, 1977.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

FORTY-FIRST DAY–MARCH 11, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 11, 1977

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. Nichol and R. Lewis who were excused; and Messrs. Keyes, Simon, F. Lewis, Stoney, and Mrs. Marsh who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fortieth Day was approved.

COMMUNICATION

Acknowledged receipt of House Joint Resolution 2 from the State of Arkansas regarding right to life. (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 10, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Law firm of Crosby, Guenzel, Davis, Kessner & Kuester:
Crosby, Robert B. - Lincoln, Reinsurance Association of America
Davis, Donn E. - Lincoln, Reinsurance Association of America
Sedgwick, James L. - Lincoln, Reinsurance Association of America

Gehring, Stephen E. – Lincoln, Wyuka Cemetery

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 267. Replaced on Select File as amended.
E & R amendments to LB 267:

1. In lieu of the F. Lewis amendment, in the Final Reading bill, page 2, line 8, strike "10" and insert "~~10~~ 30"; and on page 3, line 5, strike "1" and insert "30".

2. In the title, line 4, insert "to change a date;" after the semicolon.

(Signed) Samuel K. Cullan, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 11, 1977, at 8:50 a.m. were the following bills: 29, 224, 219, 268, and 308.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 314, 393, and 399.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 314, 393, and 399.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 210. Placed on General File.

(Signed) Donald Dworak, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 103.

A BILL FOR AN ACT to amend section 71-1,147, Reissue Revised Statutes of Nebraska, 1943, relating to pharmacy; to harmonize provisions with the Nebraska Drug Product Selection Act; to adopt the Nebraska Drug Product Selection Act; and to repeal the original section.

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

Voting in the affirmative, 39:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Fitzgerald	Fowler	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Koch
Kremer	Labedz	Lamb	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Reutzel	Rumery	Savage
Schmit	Swigart	Venditte	Warner	

Voting in the negative, 2:

Dworak Rasmussen

Present and not voting, 1:

George

Excused and not voting, 7:

Keyes	F. Lewis	R. Lewis	Marsh	Nichol
Simon	Stoney			

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

SELECT FILE

LEGISLATIVE BILL 126. Mr. DeCamp requested his pending motion found in the Journal on page 777 for the Thirty-Ninth Day be withdrawn, to indefinitely postpone.

Mr. DeCamp offered the following amendment.

AMENDMENT TO LB 126

1. On page 2, line 9 strike "forty" and insert "thirty"; and in line 22 strike "fifty" and insert "thirty-five".

2. On page 3, line 5 strike "thirty" and insert "twenty-five".

Amendment pending.

Mr. Chambers asked unanimous consent to bracket LB 126 until Wednesday, March 16, 1977. No objections. So ordered.

LEGISLATIVE BILL 230. Mr. Savage offered the following amendment.

AMENDMENT TO LB 230

1. On page 5, lines 8 and 12, and page 6, line 5, insert "Cash" after "Trail".

2. In the title, line 11, insert "Cash" after "Trail".

The amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Barnett offered the following amendment.

AMENDMENT TO LB 230

1. On page 5, line 13, after "the" insert "operation and maintenance, enforcement".

2. On page 7, line 16, strike "all" and insert "designated".

The amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 230A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in the Journal on page 759 for the Thirty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 125. E & R amendment found in the Journal on page 786 for the Fortieth Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 220 to Select File

Mr. Kelly moved to return LB 220 to Select File for the following specific amendment:

AMENDMENT TO L.B. 220

1. On page 9, line 1 after "wholesale" strike "or at retail".

Mr. Kelly requested his motion be withdrawn.

UNANIMOUS CONSENT—Bracket LB 220

Mr. Kelly asked unanimous consent to bracket LB 220 on E & R Final until March 22. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 22. Mr. Swigart renewed his pending amendment found in the Journal on page 644 for the Thirty-Second Day.

The amendment lost with 14 ayes, 13 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Suspend Rules

Mr. Warner moved to suspend Rule 3, Section 5 to hold Appropriation Committee hearings on Thursday, March 17, 1977.

The motion prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 511	Thursday, March 17, 1977	12:15 p.m.
LB 512	Thursday, March 17, 1977	12:15 p.m.
LB 513	Thursday, March 17, 1977	12:15 p.m.
LB 514	Thursday, March 17, 1977	12:15 p.m.
LB 515	Thursday, March 17, 1977	12:15 p.m.
LB 449	Thursday, March 24, 1977	4:00–6:00 p.m.

(Signed) Jerome Warner, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 302A. By Brennan, 9th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Eighty-fifth Legislature, First Session, 1977.

EXPLANATION OF VOTE

If I had been present I would have voted "aye" on LB 103.

(Signed) Shirley Marsh

UNANIMOUS CONSENT–Member Excused

Mr. Merz asked unanimous consent to be excused Monday, March 14, 1977 until he arrives. No objections. So ordered.

MOTION–Return LB 125 to Select File

Mr. Simon moved to return LB 125 to Select File for the following specific amendment:

to add the words "or certified" after the word registered in the original amendment

The motion prevailed with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 125. The Simon specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 88 to Select File

Mr. Cullan moved to return LB 88 to Select File for the following specific amendment:

E/R amendment as follows: pg. 4 line 4, insert the word four, after the word for. Pg 4, line 8, same as above.

The motion prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 88. The Cullan specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for Re-Engrossment.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Chambers requested his pending amendments found in the Journal on page 733 be withdrawn and the following amendments (2a) and (2b) be substituted.

AMENDMENTS TO LB 38

(2a) To amend the DeCamp amendment adopted 3-8-77, found on page 742 of the Journal.

Begin at line 11: Strike beginning with "in line" on through "consultation" in line 26.

Strike section 49 of original bill.

Page 28, line 18: Strike "or 49"

(2b) Page 27: Strike Sec. 45 (lines 20-24)

Page 28: Line 1, strike "45".

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

The Chambers substitute amendment (2a) was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Chambers requested a roll call vote for his substitute amendment (2b).

Voting in the affirmative, 17:

Barnett	Burrows	Chambers	Clark	Dworak
Fowler	George	Koch	Luedtke	Marsh
Maxey	Merz	Mills	Murphy	Reutzel
Simon	Warner			

Voting in the negative, 24:

Bereuter	Boughn	Brennan	Carsten	Cope
Cullan	DeCamp	Fitzgerald	Goodrich	Hasebroock
Kahle	Kelly	Kremer	Labedz	Lamb
Maresh	Marvel	Moylan	Rasmussen	Rumery
Schmit	Stoney	Swigart	Venditte	

Present and not voting, 4:

Duis	Hefner	Newell	Savage

Excused and not voting, 4:

Keyes	F. Lewis	R. Lewis	Nichol

The amendment (2b) lost with 17 ayes, 24 ayes, 4 present and not voting, and 4 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 23.

Introduced by Miscellaneous Subjects Committee: Dworak, 22nd District, Chairman; Brennan, 9th District; Newell, 13th District; Murphy, 17th District; Clark, 47th District; Marvel, 33rd District.

WHEREAS, the maintenance of residential electric, gas and water utility services is necessary for the health and welfare of every citizen in Nebraska; and

WHEREAS, the billing procedures of the water, gas and electric utilities vary greatly from utility to utility; and

WHEREAS, the residential utility customer has a right to full knowledge of the circumstances under which his utility service may be disconnected.

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

1. That the Miscellaneous Subjects Committee conduct an interim study into the billing and disconnection policy of public and private utility companies.

2. That the committee make a report of its findings together with recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 324. Placed on General File as amended.
Standing Committee amendments to LB 324:

1. On page 7, strike beginning with the comma in line 23 through the second comma in line 27.

2. On page 8, line 4, insert ", except that such term shall not include any recreational vehicle, vehicle displaying restricted plates, vehicle not required to be licensed as a commercial vehicle, bus used in the transportation of chartered parties, or government-owned vehicle" after "property"; in line 5 strike "vehicles" and insert "vehicle"; strike beginning with "either" in line 15 through "(b)" in line 16; in line 17 insert "between the State of Nebraska and one or more other jurisdictions" after "agreement"; strike beginning with "any" in line 19 through the comma in line 21 and insert "(a)"; in line 22 insert "(b)" after "or"; and in line 25 insert ", on any vehicles which are part of a Nebraska-based fleet" after "state".

3. On page 10, line 4, strike "for a period of thirty days" and show as stricken.

4. On page 11, line 22, insert "current registration" after "the" and insert an underscored period after "year"; and strike beginning with "upon" in line 22 through the period in line 23 and show as stricken.

5. On page 12, line 9, insert "on which the application was made" after "records"; and in line 27 insert "shall be filed with the clerk of the district court and" after "bond".

6. On page 13, line 3, insert "and a certified copy of the director's order shall be filed in lieu of a transcript" after "owner".

7. On page 15, after line 3 insert:
"Sec. 3. This act shall become operative for the 1978 registration year.".
8. Renumber original section 3 as section 4 and strike original section 4.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 99. Bracketed until Wednesday, March 16, 1977 at the request of Mr. F. Lewis.

MR. MARVEL PRESIDING

LEGISLATIVE BILL 109. Title read. Considered.

Standing Committee amendments found in the Journal on page 387 for the Nineteenth Day were adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Koch offered the following amendment: (Amendments printed separate from the Journal and on file in the Clerk's Office – Req. No. 2539).

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 7 nays and 23 not voting.

PRESIDENT WHELAN PRESIDING

The Koch amendments were adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

Had I been present when LB 103 was read on Final Reading, I would have voted "aye".

(Signed) Larry Stoney

RESOLUTIONS

LEGISLATIVE RESOLUTION 24.

Introduced by Rasmussen, 41st District.

WHEREAS, the North Loup Division, Pick-Sloan Missouri Basin Program, Nebraska, was authorized by the Congress of the United States in October 1972; and

WHEREAS, the Congress of the United States has appropriated funds for the construction in fiscal year 1977 for this project; and

WHEREAS, the North Loup Division has 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 basic industry, agriculture; and

WHEREAS, there is a definite need in these project areas for surface irrigation water to help the ground water recharge which shows signs of very serious depletion; and

WHEREAS, Nebraska's people need the fish and wildlife and recreational opportunities that can be provided by the North Loup developments; and

WHEREAS, the Congress of the United States will conduct hearings on appropriations for the North Loup Division forthwith.

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

1. That the First Session of the Eighty-Fifth Legislature of Nebraska strongly supports the continued funding of the uninterrupted construction and development of the North Loup Division.

2. That the Legislature memorializes Congress and the respective Appropriation Committees thereof to support the appropriations of $7,015,000 for the continuation of construction for the North Loup Division which would start actual construction of the Kalmus Damn for fiscal year 1978.

3. 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 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 Mr. and Mrs. Donald Chavana and children and Mr. Gene Geisler from Pleasanton, Nebraska; Mr. and Mrs. Alvin Bringelson of Maxwell, Nebraska.

ADJOURNMENT

Speaker Luedtke moved to adjourn until 9:00 a.m., Monday, March 14, 1977. The motion lost with 8 ayes, 21 nays, and 20 not voting.

Mr. Stoney moved to adjourn until 10:00 a.m., Monday, March 14, 1977. The motion prevailed with 23 ayes, 4 nays, and 22 not voting.

At 11:59 a.m., the Legislature adjourned until 10:00 a.m., Monday, March 14, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-SECOND DAY–MARCH 14, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 14, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Rev. A. J. McMahon from St. Frances Cabrini Church, Omaha, Nebraska.

> Father, You have given all peoples one common origin, and your will is to gather them as one family in yourself. Fill the hearts of all men, especially our Governor, Jim Exon, and this Legislature with the fire of your love and the desire to ensure justice for all their brothers and sisters.
>
> Let the light of Thy divine wisdom direct the deliberations of this august assembly, 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 happiness, the increase of industry, sobriety, and useful knowledge; and may perpetuate to us the blessings of equal liberty.
>
> Finally, dear God, teach this Legislature to be generous: teach them to serve You as you deserve: to give and not to count the cost, to fight and not to heed the wounds, to toil and not to seek for rest, to labor and not to ask for reward save that of knowing they are doing Your will. We ask this through Our Lord Jesus Christ, Your Son, Who lives and reigns with the Holy Spirit. World without end. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly and Nichol who were excused; and Messrs. R. Lewis, Merz, and Dworak who were excused until they arrive; and Mr. F. Lewis who was absent until 10:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-First Day was approved.

UNANIMOUS CONSENT–Members Excused

Mr. Cullan asked unanimous consent to be excused Friday afternoon, March 18, 1977. No objections. So ordered.

Mr. Savage asked unanimous consent to be excused from 10:30 until 12:00 noon. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 11, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 479, 491, and 492.

These bills were signed by me on March 10, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

PRESENTED TO THE GOVERNOR

Presented to the Governor March 14, 1977, at 8:50 a.m., were the following bills: 314, 393, and 399.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 265. Placed on Select File as amended.
E & R amendments to LB 265:

1. On page 2, line 17, strike "of the State of Nebraska".
2. In the committee amendment, lines 1 and 2, strike "on the bonds" and insert the same on page 3, line 9, after "signatures".

LEGISLATIVE BILL 334. Placed on Select File as amended.
E & R amendment to LB 334:
1. On page 3, line 14, strike "province" and insert "~~province~~ provinces".

LEGISLATIVE BILL 335. Placed on Select File.

LEGISLATIVE BILL 336. Placed on Select File as amended.
E & R amendments to LB 336:
1. On page 3, line 9, strike "where" and insert "when"; and in line 11, strike "province" and insert "provinces".
2. In the title, line 5, strike "and"; and in line 6 insert "; to provide for service of summons; and to prohibit brokerage of certain lines" after "agreements".

LEGISLATIVE BILL 152. Placed on Select File as amended.
E & R amendment to LB 152:
1. In Committee Amendment 3, line 6, strike "Where" and insert "When".

LEGISLATIVE BILL 190. Placed on Select File as amended.
E & R amendments to LB 190:
1. On page 2, line 8, strike "; the" and insert ": ~~; the~~ The".
2. On page 3, line 10, insert "to" after "power".
3. In the title, strike line 4 and insert "to boards of health; to".

LEGISLATIVE BILL 275A. Placed on Select File.
LEGISLATIVE BILL 203. Placed on Select File.

LEGISLATIVE BILL 58. Placed on Select File as amended.
E & R amendment to LB 58:
1. On page 3, line 3, insert an underscored period after "dollar" and strike the period at the end of the line and show as stricken.

LEGISLATIVE BILL 487. Placed on Select File as amended.
E & R amendment to LB 487:
1. On page 2, insert "(a)" at the end of line 12; in line 14 insert "(b)" after "and"; in line 17 insert "(c)" after "instruction"; and in line 19 insert "(d)" after "and".

LEGISLATIVE BILL 307. Placed on Select File.

Correctly Engrossed

The following bill was correctly engrossed: 22.

Correctly Enrolled

The following bill was correctly enrolled: 103.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 103.

BILL ON FIRST READING

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

LEGISLATIVE BILL 519. By Kahle, 37th District, at request of Governor.

A BILL FOR AN ACT to amend section 23-2701, Reissue Revised Statutes of Nebraska, 1943, relating to local governments revenue sharing; to eliminate priority categories for expenditures; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 25.

Introduced by Savage, 10th District.

WHEREAS: Gregg McBride was a native Nebraskan, born in 1898 at Stella, the only child of James McBride, a Scottish immigrant who later served two terms in the Nebraska Legislature;

WHEREAS: Gregg McBride lived all his life in Nebraska becoming one of its best known sons and ambassadors of good will and one of its most loyal promoter;

WHEREAS: Gregg McBride had an unparalleled journalistic career beginning with the Lincoln Star and Journal until the 1930's when he became the first chief of the Omaha World-Herald's Lincoln Bureau covering legislative, political, Capitol City and society news in addition to sports, and pioneered high school Top 10 ratings and all-state teams, originated the high school tennis tournament and revived the State Open Tennis Tournment;

WHEREAS: Gregg McBride, who retired from the World-Herald January 1, 1967 after covering Nebraska sports for more than half a

century, was dean of Nebraska sports writers, was awarded the Sigma Dalta Chi first Journalist of the Year Award, was selected to the Nebraska Football Hall of Fame, the Lincoln Journal's Nebraska Sports Hall of Fame and the Nebraska State Trapshooter Association Hall of Fame;

WHEREAS: Gregg McBride was an ambassador of goodwill to every community of Nebraska and his name became a household word for generations of Nebraskans and his name was synonymous with the highest ethics of journalism as well as honesty, fairplay and sportsmanship; and

WHEREAS: While an era ended with Gregg McBride's death at the age of 78 on Friday last, the legend of Gregg McBride will live on wherever Nebraska university and high school sports are recalled.

BE IT RESOLVED: That this 85th Session of the Nebraska Legislature in session on this day of Gregg McBride's last rites, March 14, 1977, pause to pay homage to his name, to salute his contribution to the state, particularly its youth, and to express heartfelt sympathies to his wife, Evelyn.

Mr. Savage moved to suspend Rule 4, Sec. 6 and consider LR 25 at this time. The motion prevailed with 38 ayes, 0 nays, 5 present and not voting, 1 absent and not voting, and 5 excused and not voting.

LR 25 was adopted with 39 ayes, 0 nays, 4 present and not voting, 1 absent and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Warner asked unanimous consent to be excused from 10:15 a.m. until noon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 83.

A BILL FOR AN ACT to amend sections 54-145.01 and 54-150, Reissue Revised Statutes of Nebraska, 1943, and sections 54-101 and 54-152, Revised Statutes Supplement, 1976, relating to the brand area; to redefine a term; to provide for proof of ownership; to delete an investment requirement; to provide exceptions to brand inspection 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, 41:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Newell	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 1:

Dworak

Present and not voting, 2:

Murphy Venditte

Excused and not voting, 5:

Kelly	R. Lewis	Merz	Nichol	Warner

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

LEGISLATIVE BILL 266.

A BILL FOR AN ACT to amend sections 16-715 and 77-2320, Reissue Revised Statutes of Nebraska, 1943, relating to deposit and investment of public funds; to provide additional securities to qualify as collateral for public funds; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 37:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer
Labedz	Lamb	F. Lewis	Luedtke	Maresh
Marsh	Maxey	Mills	Moylan	Murphy
Newell	Reutzel	Rumery	Schmit	Simon
Stoney	Swigart			

Voting in the negative, 0.

Present and not voting, 6:

Brennan	Cullan	Fitzgerald	Marvel	Rasmussen
Venditte				

Excused and not voting, 6:

Kelly	R. Lewis	Merz	Nichol	Savage
Warner				

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

LEGISLATIVE BILL 304. Laid over at the request of Mr. Barnett.

LEGISLATIVE BILL 332.

A BILL FOR AN ACT relating to motor carriers; to require liability insurance of transporters of hazardous materials; to make certain acts unlawful; 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, 42:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Murphy	Newell	Rasmussen
Reutzel	Rumery	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 0:

Present and not voting, 1:

Burrows

Excused and not voting, 6:

Kelly	R. Lewis	Merz	Nichol	Savage
Warner				

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

LEGISLATIVE BILL 364.

A BILL FOR AN ACT to amend section 72-1249, Revised Statutes Supplement, 1976, relating to the state investment officer; to eliminate a cash fund; and to repeal the original section, and also section 72-1249.01, Revised Statutes Supplement, 1976.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Murphy	Newell	Rasmussen
Reutzel	Rumery	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 6:

Kelly	R. Lewis	Merz	Nichol	Savage
Warner				

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

LEGISLATIVE BILL 374.

A BILL FOR AN ACT to amend section 19-3903, Revised Statutes Supplement, 1976, relating to public transportation; to redefine a term; and to repeal the orginal 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Mills	Moylan	Murphy	Newell
Rasmussen	Reutzel	Rumery	Schmit	Simon
Stoney	Swigart	Venditte		

Voting in the negative, 0.

Excused and not voting, 6:

Kelly	R. Lewis	Merz	Nichol	Savage
Warner				

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

ANNOUNCEMENT

Mr. Warner asked unanimous consent for the Appropriations Committee to be excused at 2:00 p.m. and the Committee will be meeting in the Supreme Court Hearing Room rather than room 2102. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 26.

Introduced by Venditte, 7th District.

WHEREAS, continued research related to effects of marijuana on humans has not conclusively established this substance as being totally harmless; and

WHEREAS, those who proclaim the use of marijuana as harmless cannot be certain that this assertion is true; and

WHEREAS, no legislative action should be taken relating to the issues of use and possession of marijuana without a firm grasp of scientific and sociological facts about such a substance; and

WHEREAS, until such an understanding is achieved the Legislature should promote policies which do not encourage the use of marijuana in the face of great uncertainty.

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

1. That the Legislature's Judiciary Committee perform an interim study of the ability and feasibility of making the following acts unlawful in Nebraska:

(a) Possession of marijuana in any amount;

(b) Any sale or distribution of marijuana and other possibly harmful substances; and

(c) Dissemination of false information about the effects of marijuana on humans.

2. That the Committee consider the feasibility of enacting the above enumerated offenses as a part of Nebraska law with a view toward providing penalties which may deter such conduct.

3. That the committee shall examine the laws of other states relating to these matters and seek input from a broad range of sources to assure a comprehensive view of what legal changes are feasible as well as desirable.

4. That the committee make a report of its findings together with any drafts of possible legislation it may develop to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 27.

Introduced by Venditte, 7th District.

WHEREAS, the greater metropolitan area of Omaha has its electricity needs provided by the separate and autonomous power companies, the Omaha Public Power District and the Metropolitan Public Power District; and

WHEREAS, the duality of service is observed to have created a strong potential for duplication of function in providing service; and

WHEREAS, such duplication of function compels both organizations to maintain high levels of expenditures in an effort to provide a high standard of service; and

WHEREAS, such high levels of expenditures are recovered through higher costs passed along to consumers; and

WHEREAS, there is strong doubt that average residential consumers can bear further cost increases; and

WHEREAS, it is believed that great advantage may accrue to consumers as well as the power companies if a merger of these entities was permitted and encouraged by law.

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

1. That the Legislature's Public Works Committee conduct an interim study of the feasibility, advisability and ramifications of an authorized merger of the Omaha Public Power District and the Metropolitan Utilities District.

2. That the committee shall include in its study, but not be limited to a probe of the potential for savings to consumers and the resulting levels of quality in service affected by such a merger.

3. That the committee present a report of its findings together with its conclusions and drafts of any legislative action deemed advisable to the next regular session of the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Chambers offered the following amendment:

(6) Page 27, Section 45:

"No abortion procedure employed pursuant to section 44 of this act shall have the ~~direct or indirect~~ intentional effect of terminating the ~~viability~~ life of ~~the unborn~~ any child aborted alive with any chance of survival. ~~prior to, during or following the procedure.~~"

The amendment lost with 14 ayes, 17 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Fowler offered the following amendment:

1. Strike original section 45 and insert a new section 45 as follows:

"Sec. 45. In any abortion performed pursuant to section 44 of this act, every precaution shall be taken, whenever possible, to insure the protection of the viable, unborn child. Any abortion procedure so employed shall be in accordance with accepted medical procedures.".

The amendment was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers renewed his pending amendment (4) found in the Journal on page 733.

The amendment lost with 13 ayes, 18 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Chambers renewed his pending amendment (5) found in the Journal on page 733.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 14 ayes, 18 nays, and 17 not voting.

The Chambers amendment (5) lost with 4 ayes, 21 nays, 18 present and not voting, and 6 excused and not voting.

Laid over.

SELECT FILE

LEGISLATIVE BILL 267. E & R amendments found in the Journal on page 803 for the Forty-First Day were adopted.

Advanced to E & R for Re-Engrossment.

ANNOUNCEMENT

Mr. Savage announced the Committee on Committees will meet at 12:00 Noon, Wednesday, March 16, 1977 in executive session for the purpose of voting on members of the Political Accountability and Disclosure Commission.

MOTION – Return LB 22 to Select File

Mr. Stoney moved to return LB 22 to Select File for his specific amendment found in the Journal on page 709 for the Thirty-Sixth Day.

Motion pending.

UNANIMOUS CONSENT – Member Excused

Mr. Barnett asked unanimous consent to be excused Thursday, March 17, 1977. No objections. So ordered.

VISITORS

The President introduced 14 teachers from the Taft Institute of Government from various schools in Nebraska, Dr. Willis Moreland, sponsor; 60 ninth grade students and teachers from Aurora, Nebraska; 37 first grade students and teacher from Meadow Lane School, Lincoln.

RECESS

At 11:59 a.m., on a motion by Speaker Luedtke, 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. Nichol and Kelly who were excused; Messrs. Merz, R. Lewis, Savage, and Mrs. Maxey who were excused until they arrive; and Mr. Chambers who was absent until 2:15 p.m.

MOTION—Return LB 22 to Select File

Mr. Stoney renewed his pending motion found in the Journal on page 709 for the Thirty-Sixth Day.

Mr. Stoney asked unanimous consent to hold the motion over until tomorrow.

Mr. F. Lewis objected.

Mr. Stoney moved to hold the motion over until tomorrow. The motion lost with 9 ayes, 24 nays, and 16 not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 18 ayes, 15 nays, and 16 not voting.

Mr. Stoney requested a roll call vote on his motion to return LB 22 to Select File.

Voting in the affirmative, 11:

Bereuter	Cope	Duis	Goodrich	Keyes
Marvel	Murphy	Rasmussen	Simon	Stoney
Venditte				

Voting in the negative, 31:

Barnett	Boughn	Brennan	Burrows	Carsten
Clark	Cullan	DeCamp	Fitzgerald	Fowler
George	Hasebroock	Hefner	Kahle	Koch
Kremer	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Maxey	Mills	Moylan
Newell	Reutzel	Rumery	Schmit	Swigart
Warner				

Present and not voting, 1:

Dworak

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Kelly	R. Lewis	Merz	Nichol	Savage

The motion lost with 11 ayes, 31 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 26 ayes, 2 nays, 11 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 22. Read and considered.

Mr. Fowler moved to refer LR 22 to the Reference Committee for referral to a committee.

Mr. F. Lewis moved to amend the Fowler motion by inserting "and LR 24".

The Chair ruled the motion out of order.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 5 nays, and 23 not voting.

The motion to refer LR 22 prevailed with 25 ayes, 11 nays, and 13 excused and not voting.

UNANIMOUS CONSENT—Print Amendment to LR 22 in the Journal

Mr. Lamb asked unanimous consent to print the following amendment to LR 22 in the Journal. No objections. So ordered.

1. On page 801 of the Journal, line 8 before the period insert "; and

WHEREAS, some seventy miles of canal will be required to carry water from the Norden Dam to the Atkinson area; and

WHEREAS, the canal will cross land which is scheduled to gain no benefit from the project; and

WHEREAS, the canal will, in fact, cause hardship and inconvenience to these landowners"; and in line 18 after the period insert:

"3. That the lands which are crossed by the canal be allotted a reasonable amount of water for purposes of irrigation."; renumber remaining subdivisions accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 24. Read and considered.

Mr. F. Lewis moved to refer LR 24 to the Reference Committee for referral.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 19 ayes, 10 nays, and 20 not voting.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Brennan	Burrows	Chambers	Dworak
Fitzgerald	Fowler	Goodrich	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Newell	Reutzel
Rumery	Savage	Schmit	Simon	Venditte

Voting in the negative, 24:

Bereuter	Boughn	Carsten	Clark	Cope
Cullan	Duis	George	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
Marvel	Maxey	Mills	Moylan	Murphy
Rasmussen	Stoney	Swigart	Warner	

Present and not voting, 1:

DeCamp

Excused and not voting, 4:

Kelly R. Lewis Merz Nichol

The motion lost with 20 ayes, 24 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

LR 24 was adopted with 26 ayes, 7 nays, 12 present and not voting, and 4 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 112. Placed on General File.

LEGISLATIVE BILL 271. Placed on General File as amended.
Standing Committee amendment to LB 271:
1. On page 2, line 13, strike "ninety" and insert "seventy-five".

LEGISLATIVE BILL 454. Placed on General File.

LEGISLATIVE BILL 456. Placed on General File as amended.
Standing Committee amendment to LB 456:
1. On page 7, line 1 strike "exclusive of" and show as stricken and insert "after deduction".

LEGISLATIVE BILL 221. Indefinitely postponed.
LEGISLATIVE BILL 278. Indefinitely postponed.
LEGISLATIVE BILL 452. Indefinitely postponed.
LEGISLATIVE BILL 453. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

EXPLANATIONS OF VOTE

Had I been present, I would have voted "aye" on LR 24.

(Signed) Richard Lewis
(Signed) John R. Murphy

RESOLUTIONS

LEGISLATIVE RESOLUTION 28.

Introduced by Stoney, 4th District; Newell, 13th District; Brennan, 9th District; Venditte, 7th District; Swigart, 8th District; Chambers, 11th District; Simon, 31st District; Fitzgerald, 14th District; Goodrich, 20th District; Koch, 12th District; Labedz, 5th District; Savage, 10th District.

WHEREAS, Nebraska takes pride in the competative spirit and accomplishment of its young athletes; and

WHEREAS, the annual state basketball tournament serves as a showcase of Nebraska athletic performance and sportsmanship; and

WHEREAS, those young people who demonstrate their desire for excellence by playing for and winning the title of state champions deserve special recognition for their efforts and success.

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

1. That the members of the Legislature extend their congratulations and best wishes to the members of the Omaha Burke High School basketball team for winning the Class A championship in Nebraska's statewide basketball tournament for 1977.

Mr. Stoney moved to suspend Rule 4, Sec. 6 to consider LR 28 today. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Burrows moved to amend LR 28 to include the Class D Champion of Adams High School. The amendment lost with 10 ayes, 17 nays, and 22 not voting.

LR 28 was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 64. Bracketed until March 23, 1977, at the request of Mr. Chambers.

LEGISLATIVE BILL 109. Considered.

Mr. Reutzel offered the following amendment:

To amend the white copy amendment to LB 109

1. On page 7, line 10 after "authorized" insert "upon a properly issued warrant."

2. On page 8, line 1 after "empowered" insert "upon a properly issued warrant."

Mr. Reutzel moved for a Call of the House. The motion prevailed with 15 ayes, 2 nays, and 32 not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Reutzel amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

MR. MARVEL PRESIDING

Mr. Koch offered the following amendment:

In the White copy amendment to LB 109,

1. On page 3, line 10 strike "and"; line 15 after "act" insert "and (c) of one-fourth cent per four consumable fluid ounces or less on beer as defined in section 53-103".

2. On page 5, line 5 after "syrups" insert ", and beer, as defined in section 53-103,".

3. On page 9 line 9 after "syrups" insert "or beer".

PRESIDENT WHELAN PRESIDING

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Koch amendment lost with 12 ayes, 20 nays, 6 present and not voting, and 11 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

MR. MARVEL PRESIDING

Mr. F. Lewis moved the previous questions. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Bereuter requested a record vote on advancing LB 109.

Voting in the affirmative, 25:

Barnett	Boughn	Brennan	Carsten	Clark
Cullan	Fitzgerald	George	Hefner	Kahle
Keyes	Kremer	Labedz	F. Lewis	R. Lewis
Luedtke	Merz	Mills	Murphy	Newell
Rasmussen	Reutzel	Schmit	Simon	Swigart

Voting in the negative, 8:

Bereuter	Burrows	Koch	Lamb	Maresh
Marvel	Moylan	Stoney		

Present and not voting, 5:

Chambers	DeCamp	Duis	Dworak	Maxey

Excused and not voting, 11:

Cope	Fowler	Goodrich	Hasebroock	Kelly
Marsh	Nichol	Rumery	Savage	Venditte
Warner				

Advanced to E & R for Review with 25 ayes, 8 nays, 5 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 109A. Title read. Considered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Advanced to E & R for Review with 26 ayes, 9 nays, 4 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Murphy asked unanimous consent to be excused Tuesday morning, March 15, and Tuesday afternoon until he arrives. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 510. Placed on General File.

(Signed) Maurice Kremer, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendment to LB109 in the Journal. No objections. So ordered.

AMENDMENT TO LB 109:

1. On page 9, line 24, after the underscored period insert "All disbursements from such fund shall be distributed to the various counties of this state on a per capita basis."

Mr. DeCamp asked unanimous consent to print the following amendment to LB 109 in the Journal. No objections. So ordered.

AMENDMENT TO LB 109:

1. On page 4, strike beginning with "the" in line 13 through "of" in line 14.

RESOLUTION

LEGISLATIVE RESOLUTION 29.

Introduced by Koch, 12th District.

WHEREAS, Virgil V. Yelkin has a long and distinguished career for over a quarter century as director of athletics, head baseball coach, and associate professor at the University of Nebraska, Omaha; and

WHEREAS, Mr. Yelkin had served in many capacities for national sports committees and associations including NCAA College World Series Tournament Director in 1962 and 1963, and had been named to the Helm's Foundation Hall of Fame as baseball coach in 1965, and had been named to the UNO Hall of Fame in 1974; and

WHEREAS, his coaching experiences presented great challenges including coach and manager of the Omaha Collegians Baseball Club, manager and assistant coach for the Pan-American U.S.A. Baseball Championship Team in 1967, and manager and assistant coach for the United States-Mexico Olympic Baseball Championship Team; and

WHEREAS, Virgil Yelkin met his last challenge on Sunday, March 13, 1977.

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

1. That the Legislature express condolences and best wishes to the family of Virgil V. Yelkin.

2. That a copy of this resolution be presented to those who survive Virgil V. Yelkin as a symbol of the loss felt by sports-minded Nebraskans.

Laid over.

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 425. Placed on General File.
LEGISLATIVE BILL 501. Placed on General File.
LEGISLATIVE BILL 432. Indefinitely postponed.
LEGISLATIVE BILL 471. Indefinitely postponed.

(Signed) Richard Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 427. Bracketed until April 14, 1977 at the request of Mr. F. Lewis.

LEGISLATIVE BILL 81. Considered.

Mr. Dworak asked unanimous consent to have his pending amendment found in the Journal on page 509 withdrawn. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to have his pending amendment found in the Journal on page 524 withdrawn. No objections. So ordered.

Mr. Koch renewed his pending amendments (1), (2) and (3) found in the Journal on pages 536 and 537.

PRESIDENT WHELAN PRESIDING

Mr. Koch moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Koch amendment (3) was adopted with 25 ayes, 5 nays, 8 present and not voting, and 11 excused and not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Simon offered the following amendment to the Koch amendment (1):
To amend the Koch amendment to charge $2 for nonresidents.

Amendment pending.

ADJOURNMENT

At 4:29 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, March 15, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-THIRD DAY—MARCH 15, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 15, 1977

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. Murphy who was excused and Messrs. Rasmussen and Stoney who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Second Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 40
March 11, 1977

Dear Senator Rasmussen:

LB 388 would amend section 12-101 designating additional powers for the Board of Trustees of Wyuka Cemetery. You have asked whether the Board already possesses inherent power to do those things necessary to maintain a cemetery or if specific legislation setting out the powers of the Board is necessary to avoid litigation charging the Board with exceeding its power.

Wyuka Cemetery, consisting of three trustees, is a public charitable corporation. Express powers for the general control and management of the affairs of the cemetery are given to them not only by sections 12-101 to 12-105, but also by sections 12-201, 12-301, 12-606, 12-613 to 12-616, and 12-801.

The powers of a public corporation have been held to be limited to those the statutes confer. See Omaha National Bank v. West Lawn Mausoleum Ass'n, 158 Neb. 412, 63 N.W.2d 504 (1954), Drainage Dist. No. 1 v. Surburban Irrigation Dist., 139 Neb. 333, 297 N.W. 641 (1941), and State ex rel. Leese v. Atchison and Nebraska R.R. Co., 24 Neb. 143, 162, 38 N.W. 43 (1888). However, in Lang v. Sanitary Dist. of Norfolk, 160 Neb. 754, 763, 71 N.W. 2d 608 (1955), sanitary districts were characterized as "municipal, public, or quasi-public corporations" having the following powers: those granted in express words, those necessarily or fairly implied in or incident to the powers expressly granted and those indispensable to the declared objects and purposes of the corporation. In Dries v. Charles Evans Cemetery Co., 109 Pa.S. 498, 167 A. 237 (1933), where the cemetery was a nonprofit corporation, the court held it had a right, without profit, to transact subordinate and connected matters, such as selling stone vaults to its lot owners at cost, which fit in essentially or at least conveniently with the chartered purposes. The court in People ex rel. Guettler v. Mt. Olive Cemetery Ass'n., 26 Ill.2d 156, 186 N.E.2d 39 (1962), cited cases holding that cemetery corporations organized under a special charter had no implied power to sell monuments in competition with private enterprise. Although the court in Thomas v. West Jersey R.R.Co., 101 U.S. 71 (1879), conceded that what is fairly implied is as much granted as what is expressed, it insisted "that the charter of a corporation is the measure of powers, and that the enumeration of these powers implies the exclusion of all others."

In conclusion, if the trustees of Wyuka Cemetery were charged with exceeding their power because they had done something not expressly

authorized by statute, they might successfully defend themselves if the act charged was incidental to the powers granted or indispensable to the declared purposes of the corporation. But they can act with less fear of litigation if their acts are expressly authorized in the statutes.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:ss
cc: Mr. Vincent Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 15, 1977, at 8:45 a.m., was the following bill: 103.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 88 and 267.

Correctly Engrossed

The following bill was correctly engrossed: 125.

Correctly Enrolled

The following bills were correctly enrolled: 83, 266, 332, 364, and 374.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 83, 266, 332, 364, and 374.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 351. Placed on General File as amended.
Standing Committee amendments to LB 351:

1. Strike sections 2 and 3.
2. On page 5, reinstate the stricken matter beginning with "~~No~~" in line 4 through "~~of~~" in line 6; in line 7, after "~~fifty~~", insert "fifteen hundred"; reinstate the stricken matter beginning with "~~dollars~~" in line 7 through "~~of~~" in line 8; in line 8 after "~~hundred~~" insert "three thousand"; reinstate the stricken matter beginning with "~~dollars~~" in line 9 through "~~the~~" in line 10; in line 11, after "~~fifty~~" insert "fifteen hundred"; and reinstate the stricken matter beginning with "~~dollar~~" in line 11 through the period in line 16.
3. Insert a new section 3 as follows:

"Sec. 3. That section 9-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

9-115. Upon payment of an annual permit fee of ten dollars, the licensee shall obtain a permit from the city or village clerk or finance department when bingo is to be conducted within the limits of any incorporated city or village and from the county clerk when bingo is to be conducted outside the limits of any incorporated city or village. Such annual permit fee of ten dollars shall be paid before bingo is played and shall be paid to the city or village clerk or finance director or county clerk at the time of obtaining the annual permit. ~~When bingo is to be conducted jointly by two or more licensees, such licensees shall obtain a permit therefor by paying a fee of ten dollars.~~ All permits shall expire on March 31 of each year. Such permit shall be displayed conspicuously at the place where bingo is conducted at all times during the conduct thereof.".

4. On page 8, lines 6 and 7, strike the new matter, and reinstate the stricken matter; in line 16, strike the underscored period, and reinstate the stricken matter; reinstate lines 17 and 18; and in line 19, reinstate "~~any one return.~~".
5. On page 9, line 22, after the comma, insert "and", strike beginning with "of" in line 22 through the period in line 26, and insert "and identification of each winner of a game in which the prize awarded is two hundred dollars or greater.".
6. Strike section 10.
7. On page 10, line 17, strike ", 9-116, and insert "to"; and in line 19, after the second comma, in-

sert "and also section 9-112, Reissue Revised Statutes of Nebraska, 1943,".

8. Renumber original section 4 as section 2, renumber original sections 5 to 9 as sections 4 to 8 respectively, and renumber original section 11 as section 8.

LEGISLATIVE BILL 391. Placed on General File as amended.
Standing Committee amendments to LB 391:

1. On page 2, line 6, strike ", except as provided in section 79-2210," and show as stricken; and in line 25, after the underscored period, insert "Each governing body may designate one of its members to perform any duty or responsibility required of such body by this section.".

2. Insert a new section 2 as follows:

"Sec. 2. That section 79-2210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-2210. After the adoption of its budget statement, the board for each educational service unit may levy a tax, in the amount which it requires under its adopted budget statement to be received from taxation, of not to exceed one mill on the dollar on the assessed valuation of all property except intangible property within its geographical unit. ~~The amount of any such levy shall be certified by the secretary of the board to the county treasurer of each county within the educational service unit who shall collect the same as other taxes are collected and remit the proceeds therefrom to the treasurer of the board; Provided, effective January 1, 1970, the board for each educational service unit shall prepare a yearly budget of the amount of funds for all purposes required to be raised by taxation during the ensuing fiscal year to carry out its operations and programs.~~ This ~~budget~~ The amount of such levy shall be certified by the secretary of the educational service unit board to the county board of equalization of each county in which any part of the geographical area of the educational service unit is located on or before ~~July~~ September 1 of each year. Such tax shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of such tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month. ~~On or before September 1 of each year, the secretary of the board for each educational service unit shall submit a map to the county board of equalization of each county in~~

~~which any part of the geographical area of the educational service unit is located, showing the location and total valuation in that county of property within the educational service unit subject to taxation for the educational service unit's purposes, and the amount of the mill levy in that county which will raise that county's proportionate share of the total tax revenue for the educational service unit, as determined by the budget previously submitted, but in no event to exceed one mill.~~".

3. On page 3, line 7, strike "section 23-927" and insert "sections 23-927 and 79-2210"; and in line 8, strike "is" and insert "are".

4. Renumber original sections 2 and 3 as sections 3 and 4 respectively.

(Signed) Orval Keyes, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 304.

A BILL FOR AN ACT to amend section 23-1723, Reissue Revised Statutes of Nebraska, 1943, relating to county government; to specify membership for sheriff's office merit commissions for 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Murphy Rasmussen Stoney

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

LEGISLATIVE BILL 137.

A BILL FOR AN ACT to amend section 77-2215, Reissue Revised Statutes of Nebraska, 1943, relating to warrants; to provide that an indemnity bond shall not be required when applying for a duplicate of a lost warrant; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Murphy Rasmussen Stoney

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

LEGISLATIVE BILL 138. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to provide for increased advanced emergency medical health care as prescribed; to authorize that certain duties of medical care may be performed by an Emergency Medical Technician-Paramedic; to create the Board of Advanced Emergency Medical Care; to provide for such board's membership, operation, and duties; to require certification; to prescribe

duties and responsibilities of persons rendering aid; to provide that civil liability shall not result for failure to obtain consent as prescribed; to provide exemption from liability for certain acts as prescribed; to provide penalties for certain wrongful acts; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Murphy	Rasmussen	Stoney

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 138A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 138, Eighty-fifth Legislature, First Session, 1977; 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:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 1:

Burrows

Excused and not voting, 3:

Murphy Rasmussen Stoney

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 179.

A BILL FOR AN ACT to amend section 43-512, Revised Statutes Supplement, 1976, relating to assistance for children; to increase the amount of assistance available to qualified persons; 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	Boughn	Brennan	Burrows
Chambers	Cullan	DeCamp	Duis	Fitzgerald
Fowler	George	Kahle	Kelly	Keyes
Kremer	Labedz	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Maxey	Merz	Moylan
Newell	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Venditte		

Voting in the negative, 9:

Carsten	Cope	Dworak	Goodrich	Hasebroock
Hefner	Lamb	Mills	Warner	

Present and not voting, 4:

Clark	Koch	Marvel	Nichol

Excused and not voting, 3:

Murphy	Rasmussen	Stoney

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

LEGISLATIVE BILL 179A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Cullan	DeCamp	Duis	Fitzgerald
Fowler	Kelly	Keyes	Kremer	Labedz
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Moylan	Newell	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Venditte				

Voting in the negative, 11:

Carsten	Clark	Cope	Dworak	Goodrich
Hasebroock	Hefner	Lamb	Marvel	Mills
Warner				

Present and not voting, 4:

George	Kahle	Koch	Nichol

Excused and not voting, 3:

Murphy Rasmussen Stoney

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

LEGISLATIVE BILL 199.

A BILL FOR AN ACT to amend section 48-115, Revised Statutes Supplement, 1976, 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, 40:

Barnett	Bereuter	Boughn	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Mills	Moylan	Nichol	Rumery	Savage
Schmit	Simon	Swigart	Venditte	Warner

Voting in the negative, 3:

Brennan Fitzgerald Newell

Present and not voting, 3:

Burrows Marvel Reutzel

Excused and not voting, 3:

Murphy Rasmussen Stoney

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

LEGISLATIVE BILL 205.

A BILL FOR AN ACT to amend section 79-328, Revised Statutes Supplement, 1976, relating to the State Board of Education; to authorize the irrigation or other improvement of certain real estate; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 3:

Brennan	Kahle	Newell

Excused and not voting, 3:

Murphy	Rasmussen	Stoney

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

LEGISLATIVE BILL 218. Mr. Kelly moved to have LB 218 bracketed until March 16, 1977. The motion lost with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 218. With Emergency.

A BILL FOR AN ACT relating to liens; to provide for fertilizer liens 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Nichol
Rumery	Savage	Simon	Swigart	Venditte
Warner				

Voting in the negative, 2:

Dworak	Schmit

Present and not voting, 3:

DeCamp	Newell	Reutzel

Excused and not voting, 3:

Murphy	Rasmussen	Stoney

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 389.

A BILL FOR AN ACT to adopt the Nebraska Equal Opportunity for Displaced Homemakers Act.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	Fitzgerald	Fowler
George	Goodrich	Hefner	Kelly	Keyes
Koch	Labedz	F. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Moylan
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Swigart	Venditte	Warner

Voting in the negative, 7:

Cullan	Duis	Dworak	Kahle	Kremer
Lamb	Mills			

Present and not voting, 4:

Clark	DeCamp	Hasebroock	R. Lewis

Excused and not voting, 3:

Murphy	Rasmussen	Stoney

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

LEGISLATIVE BILL 389A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 389, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	Fitzgerald	Fowler
Goodrich	Hasebroock	Hefner	Kelly	Koch
Labedz	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Moylan	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Warner		

Voting in the negative, 7:

Cullan	DeCamp	Dworak	Kahle	Kremer
Lamb	Mills			

Present and not voting, 6:

Clark	Duis	George	Keyes	R. Lewis
Venditte				

Excused and not voting, 3:

Murphy Rasmussen Stoney

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

MOTION–Reconsider Action on LB 304

Mr. Kelly moved to reconsider action on final passage of LB 304.

The motion prevailed with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

MOTION–Return LB 304 to Select File

Mr. Kelly moved to return LB 304 to Select File for the following specific amendment:

Amend LB 304 on page 3 line 8 strike "sixty" and insert "forty"

The motion prevailed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 407. Placed on General File as amended.
Standing Committee amendments to LB 407:

1. On page 2, insert a new subdivision (3) as follows:

"(3) Income shall mean the total federal adjusted gross income of any claimant and spouse as defined in the Internal Revenue Code of the United States and all nontaxable income, including but not limited to the amount of capital gains excluded from adjusted gross income, the gross amount of any pension or annuity including railroad retirement act benefits and veterans disability pensions, all payments received under the federal social security and state unemployment insurance laws, nontaxable interest received from the federal government of any of its instrumentalities, and workmen's compensation. Income does not include gifts from nongovernmental sources or relief in kind supplied by a public or private agency;".

2. On page 2, line 16, strike "(3)" and insert "~~(3)~~ (4)"; strike beginning with "the" in line 16 through "spouse" in line 17 and insert "all income received by all persons residing within the homestead;"; and strike the new matter in lines 17 to 19.

3. On page 2, strike subdivision (4).

4. On page 3, strike lines 1 to 3; in line 4, strike "(6)", and insert "(5)"; in line 6 after "mean", insert "(a)"; in line 14, after "dollars", insert ", and (b) an owner of a homestead who is legally blind or disabled whose household income does not exceed (i) for a single claimant, three thousand two hundred dollars, or (ii) for a married claimant, four thousand three hundred fifty dollars; and

(6) For each one hundred dollars of household income which exceeds the applicable maximum amount of a qualified claimant allowed under subsection (5) of this section, the homestead exemption benefit shall be reduced by eight hundred thirty-three dollars.".

5. On page 4, strike beginning with "in" in line 8 through "and" in line 10, and show as stricken; in line 12, strike "thirty" and insert "twenty-five"; in line 14, after "77-202.12" insert "and of any persons who are legally blind.", and strike "This exemption shall also apply to", show as stricken and insert "There shall be exempt from taxation one hundred per cent of the first twenty-five thousand dollars of the actual value of any homestead of (a)"; and in line 16, after "illness", insert "; (b) individuals who are paralyzed in both legs such as to preclude locomotion without the aid of braces, crutches, canes, or wheelchairs; (c) individuals who have undergone multiple amputation of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, wheelchairs, or artificial limbs; and (d) individuals who have been crippled by multiple sclerosis such as to preclude locomotion without the aid of braces, crutches, canes, wheelchairs, or artificial limbs".

6. Insert a new section 3 as follows:

"Sec. 3. This act shall become operative on January 1, 1978.".

7. Renumber original section 3 as section 4.

(Signed) Orval Keyes, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 230. Replaced on Select File as amended.
E & R amendment to LB 230:

1. In the Barnett specific amendments, line 2, insert an underscored comma after "enforcement".

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 24 and LR 25.

RESOLUTION

LEGISLATIVE RESOLUTION 30.

Introduced by Maxey, 46th District; Luedtke, 28th District.

WHEREAS, athletic competition among young people of our state is a source of great pride to Nebraskans; and

WHEREAS, an event such as the annual state basketball tournament is a major sports event exhibiting the excellence of ability and sportsmanship of young Nebraska athletes; and

WHEREAS, those young people who competed in tournament play deserve special recognition for their tenacity and will to compete.

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

That the members of the Legislature extend their congratulations and best wishes to the Lincoln High School basketball team for their succcesses and abilities shown as competitors in Class A play of Nebraska's statewide basketball tounament for 1977.

Laid over.

UNANIMOUS CONSENT–Member Excused

Mr. Hefner asked unanimous consent to be excused Wednesday, March 16, 1977. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 265. E & R amendments found in the Journal on page 815 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 334. E & R amendment found in the Journal on page 816 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 335. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 336. E & R amendments found in the Journal on page 816 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 152. E & R amendment found in the Journal on page 816 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 190. E & R amendments found in the Journal on page 816 for the Forty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 275A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 203. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 58. E & R amendment found in the Journal on page 816 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 487. E & R amendment found in the Journal on page 816 for the Forty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 307. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 304. The Kelly specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 29. Read and considered.

LR 29 was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 81. Considered.

Mr. Simon renewed his pending amendment found in the Journal on page 834 to the Koch amendment (1) found in the Journal on page 536.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 2 nays, 23 present and not voting, and 3 excused and not voting.

The Simon amendment lost with 7 ayes, 17 nays, 22 present and not voting, and 3 excused and not voting.

Mr. Koch asked unanimous consent to withdraw his pending amendment (1) found in the Journal on page 536. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Koch renewed his pending amendment (2) found in the Journal on page 536.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 2 nays, and 24 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Mr. Koch requested a roll call vote on his amendment (2).

Voting in the affirmative, 20:

Barnett	Bereuter	Burrows	Carsten	Chambers
Cullan	Dworak	Fowler	George	Kelly
Koch	Kremer	Lamb	Maresh	Maxey
Merz	Mills	Moylan	Savage	Warner

Voting in the negative, 22:

Boughn	Brennan	Clark	Cope	DeCamp
Fitzgerald	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Labedz	F. Lewis	R. Lewis	Luedtke
Marsh	Marvel	Reutzel	Rumery	Schmit
Simon	Swigart			

Present and not voting, 4:

Duis	Newell	Stoney	Venditte

Excused and not voting, 3:

Murphy Nichol Rasmussen

The amendment lost with 20 ayes, 22 nays, 4 present and not voting, and 3 excused and not voting.

Mr. George moved the Call be raised. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Chambers asked unanimous consent to withdraw his pending amendment found in the Journal on page 585. No objections. So ordered.

Mr. Chambers offered the following amendment:
AMENDMENT TO LB 81:
Page 6, line 3: strike "ten", insert "15" and strike all language after "dollars" through line 7.

The amendment was adopted with 29 ayes, 2 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 585. The amendment lost with 8 ayes, 14 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Lamb offered the following amendment:
The following amendment to LB 81.
Page 4 Line 2
Seven dollars and fifty cents and substitute five dollars.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 4 nays, and 26 not voting.

The Lamb amendment lost with 6 ayes, 21 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Advanced to E & R for Review with 32 ayes, 1 nay, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 81A. Read and considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

EXPLANATION OF VOTE

Had I been present on March 14, 1977, I would have voted "nay" on referring LR 22 to committee.

I would have voted "aye" on adoption of LR 24.

(Signed) Ralph D. Kelly

Had I been present today when the following bills were last read, I would have voted: Aye on LB's 304, 137, 138, 138A, 199, 205, 218e, 389, 389A and Nay on LB's 179 - 179A.

(Signed) Larry D. Stoney

UNANIMOUS CONSENT–Print amendments toLB 472 in the Journal

Mr. Mills asked unanimous consent to print the following amendments to LB 472 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 472

1. On page 2, strike the new matter in lines 8 and 9.

2. Insert a new section 2 as follows:

"Sec. 2. The Director of Motor Vehicles shall promulgate such rules and regulations as he deems necessary for the inspection of implements of husbandry in accordance with the provisions of section 60-1701.".

STANDING COMMITTEE REPORTS
Public Health and Welfare

LEGISLATIVE BILL 494. Placed on General File as amended.
Standing Committee amendments to LB 494:

1. Insert a new section to read as follows:

"Sec. 2. As used in this act, unless the context otherwise requires:

(1) Rural area shall mean the area included within the boundaries of any county having a population of fifteen thousand inhabitants or less; and

(2) Rural health care shall mean the provision of medical manpower needs in rural areas.".

2. On page 2, line 12 strike "rural"; in line 13 after "physicians" insert "of rural areas" and strike "Nebraska" and insert "areas".

3. Renumber original sections 2 through 11 as sections 3 through 12 respectively.

(Signed) Richard Lewis, Chairman

Urban Affairs

LEGISLATIVE BILL 61. Placed on General File as amended.
Standing Committee amendments to LB 61:
(Amendments printed separate from the Journal and on file in the Clerk's office–Req. No. 2532.)

LEGISLATIVE BILL 238. Placed on General File as amended.
Standing Committee amendments to LB 238:

1. On page 2, reinstate the stricken matter in lines 7 to 12, and strike the new matter in lines 13 to 15; and in line 16, after "facilities" insert "or on property situated so as to serve business in the central business district, or business in long-established outlying neighborhood business districts".
2. On page 3 in line 26, after "(2)", insert "upon an initiative petition of the majority of the record owners of taxable property included in a proposed parking district, the city council may".
3. On page 14, line 14, after the period, insert: "Special assessments levied pursuant to this section shall be due, payable, and bear interest as the city council shall determine by ordinance. Installment payments shall not be allowed for any period in excess of twenty years.".

LEGISLATIVE BILL 483. Placed on General File.

(Signed) Walter George, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 31.

Introduced by Burrows, 30th District; Bereuter, 24th District, Marvel, 33rd District; Brennan, 9th District; Labedz, 5th District; Hasebroock, 18th District; Maresh, 32nd District; Luedtke, 28th District; Koch, 12th District.

WHEREAS, the best qualities of character and physique are summoned among young people engaged in high school athletic competition; and

WHEREAS, Nebraskans take pride in the competitive spirit and sportsmanship of all high school men and women who recently participated in the statewide basketball tournaments of 1977; and

WHEREAS, those qualities admired most in youth were prevalent among players and spectators alike at the mens' and womens' tournaments regardless of final team placement; and

WHEREAS, all those exhibiting such qualities deserve special recognition for their conduct and achievements.

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

1. That the members of the Legislature extend congratulations and best wishes to all high school basketball teams listed below for winning the championships in their respective classes:

a. Men's Tournament
Class A – Omaha Burke
Class B – Omaha Ryan
Class C – Howells
Class D – Adams

b. Women's Tournament
Class A – Lincoln East
Class B – York
Class C – Hastings St. Cecilia
Class D – Shickley

2. That the Legislature extend thanks to all other participants in such tournaments for their valued contribution to Nebraska athletics.

3. That a similar expression of appreciation is offered to all the spectators at these events who demonstrated that good sportsmanship is an important quality to be possessed by nonparticipants as well as participants.

Mr. Burrows moved to suspend Rule 4, Section 6 to consider LR 31 today. The motion prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

LR 31 was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT–Members Excused

Mr. Warner asked unanimous consent for the Appropriations Committee to be excused at 2:00 p.m. this afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 79. Title read. Considered.

Mr. Koch offered the following amendment:

1. On page 4, line 6 after "(c)" strike "Two persons" and insert "One person"; line 12 after the semicolon strike "and"; line 14 strike the period and insert "; and" and after line 14 insert "(h) One person representing the Safety Council of Nebraska.".

Amendment pending.

VISITORS

The President introduced 55 Fourth Grade Students from Oakdale School, Omaha.

RECESS

At 12:00 noon, on a motion by Speaker Luedtke, 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. Kelly, Kremer, Murphy, Rasmussen, and the Judiciary Committee who were excused until they arrive.

ANNOUNCEMENT

Mr. Marvel announced the Executive Board will meet under the south balcony.

UNANIMOUS CONSENT—Member Excused

Mr. Kahle asked unanimous consent to be excused Wednesday, March 16, 1977 until he arrives. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 79. Considered.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in this day's Journal. No objections. So ordered.

Mr. Cope offered the following amendments:

AMENDMENTS TO LB 79

1. On page 3, line 13 after "Sec. 5." insert "(1)"; line 14, strike "(1)" and insert "(a)"; line 16, strike "(2)" and insert "(b)"; line 19, strike "(3)" and insert "(c)"; line 21 strike "(4)" and insert "(d)"; and after line 23 insert:

(2) Whenever requested or deemed appropriate by the Nebraska Safety Center, the University of Nebraska, the technical community colleges, the State Department of Education, the Nebraska Coordinating Commission for Postsecondary Education, and any other agency involved in activities related to safety, shall cooperate with and offer expertise to the Nebraska Safety Center to assist it in carrying out such purposes and functions.".

2. On page 3, line 21 after "for" insert "development of"; and in line 22 strike "and" and insert "in".

3. On page 4, line 6 strike "Two" and insert "One"; in line 12 strike "and"; in line 14 after "Nebraska" insert:

"; and

(h) A representative with the appropriate education, training, and experience in the field of industrial and occupational safety;

(i) A representative with the appropriate education, training, and experience in the field of recreational safety;

(j) A representative with the appropriate education, training, and experience in the field of domestic safety to include consumer protection; and

(k) A representative of the Nebraska Coordinating Commission on Postsecondary Education".

Mr. Cope moved for a Call of the House. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

Mr. Cope requested a roll call vote on his amendment.

Voting in the affirmative, 36:

Barnett	Bereuter	Boughn	Burrows	Cope
DeCamp	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Koch
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Maxey	Merz	Mills
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 3:

Clark	Keyes	Marvel

Present and not voting, 3:

Brennan	Duis	Warner

Excused and not voting, 7:

Carsten	Chambers	Cullan	Kelly	Kremer
Murphy	Rasmussen			

The amendment was adopted with 36 ayes, 3 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Barnett offered the following amendment:

To amend on page 2 - line 4 add "fire safety" after the 2nd safety in the line.

On page 4 add new subsection (L) One representative from the fire service in the State of Nebraska.

The amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 857.

Mr. Koch moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The Koch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Mills offered the following amendment:

Pg 2 Line 10 Pg 2 Line 14 strike Kearney insert Peru

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 0 nays, and 32 not voting.

Mr. Mills moved for a Call of the House. The motion lost with 14 ayes, 15 nays, and 20 not voting.

The Mills amendment lost with 12 ayes, 14 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Dworak moved to indefinitely postpone.

Mr. Dworak moved for a Call of the House. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 12:

Burrows	Carsten	Clark	DeCamp	Dworak
Keyes	Lamb	R. Lewis	Merz	Mills
Stoney	Warner			

Voting in the negative, 27:

Barnett	Bereuter	Boughn	Brennan	Cope
Fowler	George	Hasebroock	Kahle	Kelly
Koch	Kremer	Labedz	F. Lewis	Luedtke
Maresh	Marsh	Maxey	Moylan	Newell
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte			

Present and not voting, 8:

Chambers	Cullan	Duis	Fitzgerald	Goodrich
Hefner	Marvel	Nichol		

Excused and not voting, 2:

Murphy	Rasmussen

The motion to indefinitely postpone lost with 12 ayes, 27 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Savage moved the Call be raised. The motion lost with 15 ayes, 18 nays, and 16 not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 0 nays, and 12 not voting.

Advanced to E & R for Review with 28 ayes, 13 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 18 ayes, 10 nays, and 21 not voting.

Mr. Marvel asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

LEGISLATIVE BILL 79A. Title read. Considered.

Mr. Cope offered the following amendment:
Amend LB 79A by striking section 2.

Mr. Mills moved to bracket LB 79A until April 1, 1977.

The motion lost with 10 ayes, 24 nays, 12 present and not voting, and 3 excused and not voting.

The Cope amendment was adopted with 28 ayes, 4 nays, 15 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 8 nays, 11 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 74. Placed on General File as amended.
Standing Committee amendments to LB 74:
1. On page 2, strike beginning with "Except" in line 12 through "refuse" in line 16 and insert "Notice that removal of garbage or refuse is necessary shall be given to (a) (i) the owner or owners, or (ii) the duly authorized agent, and (b) the tenant. Such notice shall be provided by personal service or by certified mail. After providing such notice".
2. On page 2, strike beginning with "when" in line 26 through the period on page 3, line 2, and insert "twenty-four hours after notice by personal service in accordance with subsection (2) of this act if such refuse and garbage has not been removed.".

LEGISLATIVE BILL 86. Placed on General File as amended.
1. On page 2, line 4, after "improvements", insert "to be paid by special assessments".

(Signed) Walter George, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
518	Revenue
519	Appropriations
LR 22	Public Works

(Signed) Marvel, R. Lewis, Mills, Stoney, Nichol, Luedtke, Savage, Bereuter, and Fowler.

MOTION–Withdraw LB 147

Mrs. Maxey moved to withdraw LB 147. Motion pending.

GENERAL FILE

LEGISLATIVE BILL 77. Title read. Considered.

SPEAKER LUEDTKE PRESIDING

Mr. Mills moved to bracket LB 77 until Monday, March 21, 1977.

PRESIDENT WHELAN PRESIDING

The Mills motion to bracket lost with 8 ayes, 17 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 19 ayes, 0 nays, and 30 not voting..

Advanced to E & R for Review with 25 ayes, 5 nays, 7 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 264. Laid over at the request of Mr. DeCamp.

LEGISLATIVE BILL 100. Mr. R. Lewis asked unanimous consent to bracket until March 21, 1977. No objections. So ordered.

LEGISLATIVE BILL 176. Considered.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Review with 28 ayes, 4 nays, and 17 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 401. Title read. Considered.

Mr. Mills asked unanimous consent to withdraw his pending amendment found in the Journal on page 585. No objections. So ordered.

Mr. Barnett moved to indefinitely postpone. The motion lost with 3 ayes, 20 nays, 14 present and not voting, and 12 excused and not voting.

ANNOUNCEMENT

Mr. Koch announced the Constitutional Revision and Recreation Committee will meet in Executive Session on Wednesday, March 16, 1977, at 4:30 p.m. in the Supreme Court Hearing Room.

UNANIMOUS CONSENT—Bracket LB 33

Mr. Koch asked unanimous consent to bracket LB 33 until March 31, 1977. No objections. So ordered.

ANNOUNCEMENT

Mr. R. Lewis announced the Public Health and Welfare Committee will meet at 8:30 a.m. in Senator Kelly's office March 16, 1977.

VISITORS

The President introduced 19 sixth grade students and 4 adults from Giltner, Ne.

ADJOURNMENT

At 4:30 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, March 16, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-FOURTH DAY–MARCH 16, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 16, 1977

Pursuant to adjournment, the Legislature met at 9:00 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 by 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 motter 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. Hefner who was excused; and Messrs. Kahle, Kelly and Mills who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Third Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 16, 1977, at 8:55 a.m., were the following bills: 83, 266, 332, 364, and 374.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 109. Placed on Select File as amended.
E & R amendments to LB 109:

1. In the Koch amendments, page 1, line 4, insert "sections 1 to 25 of" after "in"; and in line 17 strike ": Cola" and insert "cola".

2. In the Koch amendments, page 3, line 7, insert ", to be known as the Nebraska Outdoor Recreation Development Tax," after "tax"; insert "sections 1 to 25 of" after "in" in line 15 and "of" in line 27; in line 17 strke "this" and insert "the"; and in line 19 insert "imposed" after "be".

3. In the Koch amendments, page 4, strike lines 1 and 2 and insert:
"Sec. 3. Sections 1 to 25 of this act shall not apply to:";
in line 6 strike "All noncarbonated" and insert "Noncarbonated";
in line 9 strike "All coffee" and insert "Coffee"; and insert "sections 1 to 25 of" after "under" in line 12 and "by" in line 14.

4. In the Koch amendments, page 5, lines 12 and 13, strike "Nebraska Department of Revenue" and insert "Tax Commissioner"; in line 18 strike "sections 7 and" and insert "section"; and in line 20 strike "deemed".

5. In the Koch amendments, page 6, line 1, strike "Nebraska Department of Revenue" and insert "Tax Commissioner".

6. In the Reutzel amendments 1 and 2, line 2, strike the period.

7. In the Koch amendments, page 7, line 8, strike "State" and insert "Tax"; and in line 13 strike "where" and insert "when".

8. In the Koch amendments, page 8, line 27, strike "this" and insert "the".

9. In the Koch amendments, page 10, line 1, strike "funds" and insert "fund"; in line 2, strike "for" and insert "from"; and in lines 14 and 17, strike "State" and insert "Tax".

10. Insert a new section to read:
"Sec. 28. That section 77-27,132, Revised Statutes Supplement, 1976, be amended to read as follows:
77-27,132. (1) There is hereby created a fund to be designated Tax Refund Fund which shall be set apart and maintained by the State Treasurer for prompt payments of all tax refunds under the provisions of sections 1 to 25 of this act, 66-461, 77-2106, and 77-2701 to 77-27,135. Such fund shall be in such amount as the State Treasurer,

with the advice of the Tax Commissioner, shall determine is necessary to meet current refunding requirements under the provisions of sections 1 to 25 of this act, 66-461, 77-2106, and 77-2701 to 77-27,135. Any money in the Tax Refund Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

(2) The Tax Commissioner shall pay to a depository bank designated by the State Treasurer all amounts collected under the provisions of sections 77-2701 to 77-27,135. The Tax Commissioner shall present to the State Treasurer bank receipts showing amounts so deposited in the aforementioned bank and of the amounts so deposited the State Treasurer shall (a) first credit to the Tax Refund Fund such amounts as are necessary to maintain such Tax Refund Fund at the level required by subsection (1) of this section, and (b) then credit to the Highway Allocation Fund all of the proceeds of the sales and use taxes derived from motor vehicles, trailers, and semitrailers. The balance of the amounts so paid shall be credited to the General Fund.".

11. Renumber original sections 11 and 12 as sections 29 and 31 and new section 12 added by committee amendment as section 30.

12. In renumbered section 30, line 1, strike "8" and insert "25", and strike "tax" and insert "taxes".

13. On page 6, line 14, strike "and" and insert a comma; and in line 15 insert "and 77-27,132," after the first comma.

14. In the title, line 3, insert "to provide penalties;" after the semicolon and insert a comma at the end of the line; in line 4 strike "and" and insert "and 77-27,132," after the first comma; and in line 5 insert "to provide a termination date;" after the second semicolon.

LEGISLATIVE BILL 109A. Placed on Select File as amended.
E & R amendment to LB 109A:

1. On page 2, lines 3 and 15, strike "Cash".

(Signed) Samuel K. Cullan, Chairman

MESSAGE FROM THE GOVERNOR

March 7, 1977

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

Dear Mr. President and Senators:

This is to inform your honorable body that I have made the following appointment to the Motor Vehicle Industry Licensing Board requiring legislative confirmation:

Norman L. Stadtler, 107 Abbey Landing, Rt. 1, Valley - succeeds Herbert G. Andrews, resigned

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: Norman L. Stadtler
Committee on Committees
Motor Vehicle Industry Licensing Bd.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 519 Friday, March 25, 1977 12:15 p.m.

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 137, 138, 138A, 179, 179A, 199, 205, 218, 389, and 389A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: 137, 138, 138A, 179, 179A, 199, 205, 218, 389, 389A, and LR 29 and LR 31.

UNANIMOUS CONSENT—Members Excused

Mr. Lamb asked unanimous consent to be excused March 17, 1977. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused March 17, 1977. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Public Works

LR 22 Wednesday, March 23, 1977 12:30 p.m.

(Signed) Maurice A. Kremer, Chairman

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 128. Placed on General File as amended.
Standing Committee amendments to LB 128:

1. Strike original section 1.
2. On page 9, line 25, strike "sections 48-628 and" and insert "section"; and in line 26 strike "are" and insert "is".
3. Renumber original sections 2 to 4 as sections 1 to 3 respectively.

LEGISLATIVE BILL 424. Placed on General File.

(Signed) Richard Maresh, Chairman

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Barnett renewed his pending amendments (1) through (11) found in the Journal on page 708.

The Barnett amendment (1) was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

The Barnett amendment (2) was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Barnett amendment (3) was adopted with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

The Barnett amendment (4) was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Barnett amendments (5) and (6) were adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Barnett amendments (7) and (8) were adopted with 25 ayes, 6 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?"

Mr. Simon moved for a Call of the House. The motion prevailed with 13 ayes, 11 nays, and 25 not voting.

The motion to close debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Barnett amendment (9) was adopted with 29 ayes, 6 nays, 11 present and not voting, and 3 excused and not voting.

Laid over.

UNANIMOUS CONSENT—Withdraw Motions on LB 179 - LB 179A

Mr. Goodrich asked unanimous consent to withdraw his pending motions on LB 179 and LB 179A found in the Journal on page 594. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 518 Wednesday, March 23, 1977 4:00 p.m.

(Signed) Orval Keyes, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 18. Placed on General File.

(Signed) John DeCamp, Chairman

UNANIMOUS CONSENT—Members Excused

Mr. Warner asked unanimous consent for the Appropriations Committee to be excused March 16th at 2:00 p.m. for a public hearing in Room 2102. No objections. So ordered.

MOTION—Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 822)

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 520. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District; Bereuter, 24th District; Savage, 10th District; Fowler, 27th District.

A BILL FOR AN ACT to amend section 84-1203, Reissue Revised Statutes of Nebraska, 1943, relating to the Records Management Act; to provide powers and duties of the State Records Administrator as prescribed; to create a revolving fund; to prescribe its name; to provide for deposits and disbursements; and to repeal the original section.

SELECT FILE

LEGISLATIVE BILL 126. Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 230. E & R amendment found in the Journal on page 850 for the Forty-Third Day was adopted.

Advanced to E & R for Engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 30. Read and considered.

Mrs. Marsh and Mr. Barnett asked unanimous consent to add their names to LR 30. No objections. So ordered.

LR 30 was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. Marvel asked unanimous consent to print the following amendments to LB 210 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 210

1. Insert the following new sections:

"Sec. 2. That section 49-14,119, Revised Statutes Supplement, 1976, be amended to read as follows:

49-14,119. The commission shall ~~meet~~ hold four meetings once each calendar quarter at such times and places as shall be determined by the commission and shall keep a record of its proceedings. Special meetings may be called by the chairperson. Such special meetings

shall be called by such chairperson upon receipt of a written request signed by ~~three~~ five or more members of the commission. Written notice of the time and place of all meetings shall be mailed in advance to each member of the commission by the secretary.

Sec. 3. That section 49-14,121, Revised Statutes Supplement, 1976, be amended to read as follows:

49-14,121. The commission shall employ an executive director, and ~~may employ a general counsel and~~ such other staff as ~~are~~ is necessary to carry out its duties pursuant to sections 49-1401 to 49-14,138. The executive director shall serve at the pleasure of the commission, shall be solely responsible to it, and shall not be paid in excess of eighteen thousand dollars per annum. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him by the commission, except that the commission shall not delegate the making of regulations to the executive director. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to sections 49-1401 to 49-14,138. Unless prohibited by law, the Tax Commissioner, the Auditor of Public Accounts, the Attorney General, and the county attorneys shall make available to the commission such personnel, facilities and other assistance as the commission may request. The commission may employ a general counsel if the Attorney General or any county attorney is unable to provide the commission with necessary assistance. Members of the commission and employees of the commission shall be exempted from the provisions of Chapter 81, article 13, except that they may be covered by the state personnel system through specific agreement between the commission and the Department of Personnel.

Sec. 4. That section 49-14,124, Revised Statutes Supplement, 1976, be amended to read as follows:

49-14,124. (1) Upon a complaint signed under oath by any person~~, upon the recommendation of the executive director~~, or upon its own motion, the commission shall, by way of preliminary investigation, investigate any alleged violation of sections 49-1401 to 49-14,138 or any rule or regulation adopted and promulgated thereunder. Prior to the commission investigating any alleged violation of sections 49-1401 to 49-14,138 on its own motion, the commission must have

reasonable grounds, based upon actual knowledge of fact and circumstances, to believe that a violation has occurred. Each governmental body shall cooperate with the commission in the conduct of its investigations. All commission proceedings and records relating to preliminary investigations shall be confidential until a final determination is made by the commission unless the person alleged to be in violation of sections 49-1401 to 49-14,138 requests that the proceedings be public. The executive director shall notify any person under investigation by the commission of the investigation and of the nature of the alleged violation within five days of the commencement of the investigation. Within fifteen days of the filing of a sworn complaint by a person alleging a violation, and every thirty days thereafter until the matter is terminated, the executive director shall notify the complainant and the alleged violator of the action taken to date by the commission together with the reasons for such action or for nonaction.

Sec. 5. In order to protect the rights and interests of persons, if the court finds that any civil or criminal action instigated against a person by the commission was without reasonable cause, (1) the court may order the commission to pay reasonable attorney fees and court costs incurred by the defendant, and (2) the person injured by such action may bring a claim for damages against the commission in the same manner and procedure as is now provided by law for bringing such suits against corporations and individuals.".

2. On page 4, line 11, strike "section" and insert "sections" and after "49-1496," insert "49-14,119, 49-14,121, and 49-14,124,"; and in line 12 strike "is" and insert "are".

3. Renumber original section 2 as section 6.

UNANIMOUS CONSENT–Member Excused

Mr. Dworak asked unanimous consent to be excused this afternoon until he returns. No objections. So ordered.

UNANIMOUS CONSENT–LB 147

Mrs. Maxey asked unanimous consent to have her pending motion found in the Journal on page 863 to withdraw LB 147 laid over until Tuesday, March 22, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Schmit asked unanimous consent to be excused for a short time. No objections. So ordered.

MOTION—Placed LB 310 on General File

Messrs. Bereuter, Dworak, and Fowler moved to advance LB 310 to General File from committee in accordance with Rule 3, Sec. 10b.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 24 ayes, 10 nays, and 15 not voting.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 20:

Bereuter	Carsten	Chambers	Duis	Dworak
Fowler	George	Koch	Kremer	Lamb
R. Lewis	Maresh	Maxey	Mills	Murphy
Newell	Rasmussen	Reutzel	Rumery	Warner

Voting in the negative, 22:

Boughn	Brennan	Clark	Cope	Cullan
DeCamp	Fitzgerald	Goodrich	Kelly	Keyes
Labedz	F. Lewis	Luedtke	Marsh	Marvel
Moylan	Nichol	Savage	Simon	Stoney
Swigart	Venditte			

Present and not voting, 4:

Barnett	Burrows	Hasebroock	Merz

Excused and not voting, 3:

Hefner	Kahle	Schmit

The motion lost with 20 ayes, 22 nays, 4 present and not voting, and 3 excused and not voting.

LB 310 stands indefinitely postponed.

Mr. Barnett moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

UNANIMOUS CONSENT–Print Amendment to LB 312 in Journal

Mr. R. Lewis asked unanimous consent to print the following amendment to LB 312 in the Journal. No objections. So ordered.

AMENDMENT TO LB 312

1. On page 6, after line 17, insert "and current income".

UNANIMOUS CONSENT–Print in Journal

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

"Because LB 38 creates a State Patrol Drug Control Cash Fund, but establishes no meaningful limitations on or guidelines as to the Fund's use and control, I shall prepare appropriate amendments to correct the deficiencies which I perceive." (Signed) Ernest Chambers

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 124. Placed on General File as amended.
Standing Committee amendment to LB 124:

1. On page 2, line 4 after "three" insert "working".

LEGISLATIVE BILL 497. Placed on General File as amended.
Standing Committee amendment to LB 497:

1. Strike sections 1 and 2 and insert new sections 1 and 2 as follows:

"Section 1. That section 29-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-404. No complaint shall be filed with the magistrate, unless such complaint is in writing and upon oath, signed by the prosecuting attorney or by any other complainant. If the complainant be other than the prosecuting attorney or a city or village attorney prosecuting the violation of a municipal ordinance, he shall either have the consent of the prosecuting attorney or shall furnish to the magistrate a bond with good and sufficient sureties in such amount as the magistrate shall determine to indemnify the person complained against for wrongful or malicious prosecution. Whenever a complaint shall be filed with the magistrate, charging any person with the commission of an offense against the laws of this state, it shall be the duty of such magistrate to issue a warrant for the arrest of the person accused, if he shall have reasonable grounds to

believe that the offense charged has been committed. The prosecuting attorney shall consent to the filing of such complaint if he is in possession of sufficient evidence to warrant the belief that the person named as defendant in such complaint is guilty of the crime alleged and can be convicted thereof. The Attorney General shall have the same power to consent to the filing of complaints as the prosecuting attorneys have in their respective counties.

Sec. 2 That original section 29-404, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

(Signed) Wally Barnett, Chairman

GENERAL FILE

LEGISLATIVE BILL 401. Considered.

Mr. Fowler offered the following amendment:

1. Insert a new section 2 as follows:

"Sec. 2. The Executive Board of the Legislative Council shall, on the first day of the regular session of the Legislature in 1978 and thereafter on the first day of each regular ninety-day session of the Legislature appoint eight members of the Legislature to serve, commencing on the first day of such session, on the Legislature's select committee to be known as the Energy Committee. The board shall name the chairperson 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 the committee shall be filled by appointment from among the members of the Legislature.".

Mr. Fowler moved for a Call of the House. The motion prevailed with 19 ayes, 7 nays, and 23 not voting.

Mr. Fowler requested a roll call vote.

Voting in the affirmative, 17:

Barnett	Bereuter	Burrows	Chambers	Cope
Dworak	Fowler	Hasebroock	Keyes	Koch
Marsh	Marvel	Maxey	Newell	Simon
Stoney	Warner			

Voting in the negative, 24:

Boughn	Brennan	Carsten	Clark	Cullan
Duis	Fitzgerald	Goodrich	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Moylan	Murphy	Nichol	Rasmussen	Reutzel
Rumery	Savage	Swigart	Venditte	

Present and not voting, 5:

DeCamp	George	Kelly	Merz	Mills

Excused and not voting, 3:

Hefner	Kahle	Schmit

The Fowler amendment lost with 17 ayes, 24 nays, 5 present and not voting, and 3 excused and not voting.

Mr. Kelly moved the Call be raised. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Barnett offered the following amendment:
To amend LB 401 on page 2 line 2 by changing "shall" to "may"

SPEAKER LUEDTKE PRESIDING

The Barnett amendment lost with 9 ayes, 25 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment:
To combine the Nebraska Transportation Advisory Committee with the Telecommunication Committee and call the new committee the Public Service Commission Advisory Committee.

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 Newell amendment lost with 6 ayes, 26 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 32 ayes, 3 nays, 11 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT – Bracket LB 22

Mr. F. Lewis asked unanimous consent to bracket LB 22 on Final Reading for March 23, 1977. No objections. So ordered.

VISITORS

The President introduced 36 9th grade Political Science students and instructor from Arbor Heights Jr. High, Omaha; 20 cattle feeders from Colfax County.

RECESS

At 11:57 a.m., on a motion by Mr. Savage, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Hefner, Mills, Rasmussen, and Mrs. Maxey who were excused; Messrs. Marvel, Nichol, and the Business and Labor Committee who were excused until they arrive; Messrs. Stoney, Duis, and George who were absent until 2:00 p.m.; and Mr. Schmit who was absent.

UNANIMOUS CONSENT—Bracket LB 360

Mr. Keyes asked unanimous consent to bracket LB 360 on General File until March 18, 1977. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 99. Laid over until March 17, 1977 at the request of Mr. F. Lewis.

LEGISLATIVE BILL 264. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 7 present and not voting, 4 absent and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 180. Considered.

Mr. Cullan 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. Goodrich moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Goodrich requested a roll call vote on advancing LB 180.

Voting in the affirmative, 22:

Barnett	Boughn	Carsten	Cope	DeCamp
Fitzgerald	Goodrich	Hasebroock	Koch	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Merz	Moylan	Murphy	Savage
Stoney	Swigart			

Voting in the negative, 12:

Bereuter	Chambers	Cullan	Dworak	Kahle
Kelly	Keyes	Marsh	Rumery	Simon
Venditte	Warner			

Present and not voting, 8:

Brennan	Burrows	Clark	Duis	Fowler
George	Newell	Reutzel		

Absent and not voting, 1:

Schmit

Excused and not voting, 6:

Hefner	Marvel	Maxey	Mills	Nichol
Rasmussen				

LB 180 failed to advance to E & R for Review with 22 ayes, 12 nays, 8 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MR. F. LEWIS PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 304.

Correctly Engrossed

The following bills correctly engrossed: 58, 152, 190, 203, 265, 275A, 307, 334, 335, 336, and 487.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will have an executive session on Tuesday, March 22, 1977 at 12:15 p.m. in room 1019.

EXPLANATION OF VOTE

When we were called from the Appropriations Committee hearing by a "Call of the House" on March 14, I made an error on voting because of insufficient information. I wish to change my vote from nay to aye on LR 24.

(Signed) Ron Cope

GENERAL FILE

LEGISLATIVE BILL 45. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 7 present and not voting, 1 absent and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT—Print in Journal

Mr. DeCamp asked unanimous consent to print the following amendment to LB 45 in the Journal. No objections. So ordered.

AMENDMENT TO LB 45

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

"Section 1. Whenever any individual brings an action to obtain a writ of mandamus commanding any state officer or employee to do or not to do an act the performance or omission of which the law enjoins as a duty resulting from the office and is sucessful in such action, the court shall order the state to pay reasonable attorney fees and court costs incurred by such individual.".

2. Renumber original section 3 as section 2.

STANDING COMMITTEE REPORT
Public Health and Welfare

LEGISLATIVE BILL 397. Indefinitely Postponed.

(Signed) Richard Lewis, Chairman

Revenue

LEGISLATIVE BILL 131. Placed on General File as amended.
Standing Committee amendments to LB 131:

1. Strike original sections 1 to 3 and insert nine new sections as follows:

"Section 1. The Nebraska Legislature hereby determines that ad valorem taxes are important to the effectiveness of all levels of local government. There are many and varied districts levying ad valorem taxes which overlap assessment districts. The effective administration of ad valorem taxes necessitates equality of assessment in various counties which are the assessment districts. The purpose of this act is to achieve equalization between the several counties while not causing undue fluctuations in valuation and taxes.

Sec. 2. Each county assessor shall, on or before July 1, 1977, and each year thereafter on that date, notify the county board of such county in writing of the assessor's plans for determining the county's values for the coming assessment year. Such notification shall contain such information as may be required by rules and regulations of the Tax Commissioner which shall include information regarding the level of values for all classes of taxable property.

Sec. 3. Each county board shall review the statement of the county assessor and shall on or before August 15, 1977, and each year thereafter on that date report to the Tax Commissioner transmitting a copy of the assessor's notification of plans as required by section 2 of this act, the opinion of the county board as to those recommendations, and a report as to the budget of the assessor's office to accomplish the duties of the assessor.

Sec. 4. The Tax Commissioner on or before November 1, 1977, and each year thereafter on or before that date shall cause to be analyzed the report from each county and shall notify each county board and assessor of the opinion of the Tax Commissioner as to what must be done for the coming year's valuation for that county to maintain the property level of values.

Sec. 5. The Tax Commissioner shall transmit copies of his actions required by section 4 of this act to each member of the State Board of Equalization and Assessment. Such board shall at its next meeting held pursuant to section 77-505, Reissue Revised Statutes of Nebraska, 1943, consider such information, along with a report of the Tax Commissioner of the extent of compliance with his suggestions and such other information as may be relevant.

Sec. 6. No higher level of real estate values shall be used by any county for 1977 than was used in 1976 and for the year 1978 all counties shall use a new level of values which shall reflect current actual values and if any county cannot justify or refuses to use a new level of value, the State Board of Equalization and Assessment shall equalize such counties based upon the levels of value in surrounding counties. No higher level of values of real estate shall mean that the total real estate values in any county shall not exceed those values determined by the county for the previous tax year except for the values attributed to changes in use and new improvements.

Sec. 7. Prior to the first imposition of property tax levies against new assessed values incorporated onto the tax rolls of any county as the result of a countywide reappraisal or revaluation, every taxing district which causes a tax to be levied against such reassessed or revalued property shall adjust that portion of its budget for operating and maintenance purposes for the upcoming fiscal year so as not to exceed seven per cent of the previous year's budget funded by ad valorem taxes or the average increase by percentage for the three such preceding budgets, whichever is greater. When determining the budget to be funded by ad valorem taxes pursuant to this section, every taxing district (1) may increase such budget limit otherwise established pursuant to this section by the amount of receipts lost or to be lost from any state sources and (2) shall reduce such budget limitation established pursuant to this section by the amount of increased receipts from state sources. Any school district or other taxing districts may, in lieu of complying with the limitations on increasing that portion of the budget funded by ad valorem taxes as set forth herein, increase such budget by the same proportion as the average daily membership or population of the district increased the prior year.

Sec. 8. The budget limitation in section 7 of this act shall not apply to: (1) Those taxing districts

which are exercising their levying authority for the first time; (2) those taxing districts which have been authorized by law, during the preceeding fiscal year to have a higher maximum mill levy, to the extent that the increase in mill levy authority will generate no more than such increased authority to levy would have generated on the prior year's taxable value; (3) to that portion of any budget necessary for the payment of bonded indebtedness; and (4) those taxing districts which are levying a tax on property which has increased in value less than ten per cent from the preceding year.

Sec. 9. (1) If the governing body of any taxing district determines that a budget funded from ad valorem taxes higher than is permitted by sections 7 and 8 of this act is needed, it shall after completing the budget process required by statute hold a public meeting to receive input from the public regarding the advisability of exceeding the limits prescribed by sections 7 and 8 of this act. Such public meeting shall be advertised and conducted in the same manner as public hearings required for the adoption of the budget.

(2) Following such public hearing the governing board of such district shall have the authority to reduce any item of the budget for the purpose of bringing the proposed budget within or closer to the limits set by sections 7 and 8 of this act. Such reduction shall be permitted without further hearing required by any other law relating to changing the budgets.

(3) The hearing and decisions required by this section shall be held during the month of August in the year in which the budget is to be adopted.".

2. Renumber original section 4 as section 10.

(Signed) Orval Keyes, Chairman

UNANIMOUS CONSENT–Member Excused

Mr. Brennan asked unanimous consent to be excused for the remainder of the day and until March 21, 1977. No objections. So ordered.

ANNOUNCEMENT

Mr. George announced the Urban Affairs Committee will meet tomorrow, March 17, 1977, at 3:30 p.m. under the North Balcony.

ANNOUNCEMENT

Mr. DeCamp announced an executive session of Banking, Commerce, and Insurance Committee at 12:00 noon on March 17, 1977 in room 2230.

GENERAL FILE

LEGISLATIVE BILL 46. Bracketed at the request of Mr. Murphy.

LEGISLATIVE BILL 98. Bracketed at the request of Mr. Murphy.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

MR. BARNETT PRESIDING

LEGISLATIVE BILL 273. Title read. Considered.

Mr. F. Lewis offered the following amendment:

AMENDMENT TO L.B. 273

On page 2, reinstate the stricken matter beginning with "sites" in line 7 through the stricken period in line 9; in line 7 after "Such" insert "Except such sites or structures as are named by the legislature, such".

Insert a new section 2 to read:

"Sec. 2. The new field house of the University of Nebraska at Lincoln which was constructed on the state fair grounds pursuant to section 85-1,100 shall be named and known as the Robert S. Devaney Sports Complex."

Renumber old section 2 and section 3.

Mr. Koch offered the following amendment to the F. Lewis amendment:
Amend LB 273
Strike Devaney Sports Complex - Insert a series of amendments

1. Dana H. Bible Complex
2. Guy Chamberlain Complex
3. Charles H. Gere Complex
4. Lawrence Biff Jones Complex
5. Butch Luther Complex
6. George William Norris Complex

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Koch amendment (1) lost with 11 ayes, 13 nays, 11 present and not voting, and 14 excused and not voting.

Mr. Luedtke 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 Koch amendment (2) lost with 10 ayes, 14 nays, 11 present and not voting, and 14 excused and not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Koch amemdment (3) lost with 5 ayes, 17 nays, 13 present and not voting, and 14 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mr. Keyes moved to adjourn. The motion lost with 9 ayes, 11 nays, and 29 not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

The Koch amendment (4) lost with 6 ayes, 10 nays, 18 present and not voting, and 15 excused and not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 9 ayes, 4 nays, and 36 not voting.

The Koch amendment (5) lost with 6 ayes, 8 nays, 20 present and not voting, and 15 excused and not voting.

The Koch amendment (6) was considered.

Mr. Koch moved for a Call of the House. The motion prevailed with 10 ayes, 4 nays, and 35 not voting.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Koch requested a roll call vote on his amendment (6).

Voting in the affirmative, 11:

Bereuter	Chambers	Dworak	Fowler	Koch
R. Lewis	Maresh	Marvel	Murphy	Newell
Rasmussen				

Voting in the negative, 20:

Barnett	Boughn	Carsten	Clark	Cope
DeCamp	Fitzgerald	Hasebroock	F. Lewis	Luedtke
Marsh	Maxey	Merz	Moylan	Reutzel
Rumery	Savage	Simon	Swigart	Warner

Present and not voting, 12:

Burrows	Cullan	Duis	George	Goodrich
Kahle	Kelly	Keyes	Kremer	Labedz
Lamb	Stoney			

Excused and not voting, 6:

Brennan	Hefner	Mills	Nichol	Schmit
Venditte				

The Koch amendment (6) lost with 11 ayes, 20 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers moved to bracket until April 15, 1977.

Motion pending.

ADJOURNMENT

At 4:30 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, March 17, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-FIFTH DAY—MARCH 17, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 17, 1977

Pursuant to adjournment, the Legislature met at 9:04 a.m., President Whelan presiding.

PRAYER

The Prayer was offered by Msgr. John J. Flynn, from St. Mary's Parish, 14th & K, Lincoln, Nebraska.

> Let us pray: O God of power and justice, through whom authority is administered, laws are enacted and judgements decreed, let the light of your wisdom and truth shine forth in all the proceedings and laws drawn up for our rule and government by this legislative body.
>
> Inspired by your constant assistance may all decisions of the Nebraska Legislators lead to the preservation of peace and harmony, promote happiness and prosperity and perpetuate for all the blessings of equal liberty.
>
> We pray for his Excellency Governor Exon, for all the members of the Legislature, for judges, officials and all other officers and leaders who are elected or appointed to guard our political welfare. May they be strengthened by your powerful protection and providence to discharge the duties of the irrespective offices with integrity, ability with charity and concern for all.
>
> We recommend likewise to your unbounded mercy all the people of Nebraska that they may be blessed in the knowledge and sanctified in the observance of your divine law. May they enjoy a temporal security in knowing that they are represented before you, our Lord and Master in the persuit of their temporal needs . . . . .We ask this through Christ our Lord.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, Brennan, Lamb, and Nichol who were excused; and Messrs. Kahle and Rasmussen who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Fourth Day was approved.

MESSAGE FROM THE GOVERNOR

March 16, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 219, 224, 268, 308, 314, 393, and 399.

These bills were signed by me on March 15, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 17, 1977, at 8:55 a.m., were the following bills: 137, 138, 138A, 179, 179A, 199, 205, 218, 389, and 389A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 230. Replaced on Select File as amended.
E & R amendment to LB 230:

1. Because of duplication of page 10, lines 8 to 10, on page 10, lines 14 to 19, strike the new and reinstate the stricken matter.

LEGISLATIVE BILL 81. Placed on Select File as amended.
E & R amendments to LB 81:

1. On page 2, line 8, strike "The provisions of".

2. On page 3, lines 19 and 20, strike "a permitted vehicle" and insert "the vehicle for which it is issued"; and in line 22 strike "permitted".

3. On page 4, line 27, strike "venders" and insert "vendors".

4. On page 5, line 19, strike "their" and insert "its"; and in line 27 insert "or as otherwise excepted under section 3 of this act" after "permit".

5. On page 6, line 27, strike "Parks" and insert "Park" and insert "Revolving" after "Cash".

LEGISLATIVE BILL 81A. Placed on Select File as amended.
E & R amendment to LB 81A.

1. On page 2, lines 2, 8, and 14, strike "Parks" and insert "Park" and insert "Revolving" after "Cash".

LEGISLATIVE BILL 79. Placed on Select File as amended.
E & R amendments to LB 79:

1. In lieu of the Barnett amendment thereto, on page 2, line 4, insert "fire safety," after the second comma.

2. On page 4, line 14 as amended, strike "and".

3. Because of the Koch amendment 1, in the Cope amendments, strike lines 20 to 22.

4. In the Koch amendment, line 5, strike the first period and insert a semicolon.

5. In the Cope amendments, page 2, line 1, strike "and"; and in line 3 insert "; and" after "Education".

LEGISLATIVE BILL 79A. Placed on Select File.
LEGISLATIVE BILL 77. Placed on Select File.

LEGISLATIVE BILL 176. Placed on Select File as amended.
E & R amendment to LB 176:

1. On page 2, line 10, strike "such" and insert "~~such~~ the".

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 30.

POINT OF PERSONAL PRIVILEGE

Mr. Koch requested a point of personal privilege in accordance with Rule 2, sec. 11.

The Chair ruled the point of personal privilege out of order.

Mr. Koch challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 19 ayes, 18 nays, and 12 not voting.

Mr. Koch spoke on a point of personal privilege regarding his amendments to LB 273 of yesterday.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Barnett renewed his pending amendments (10) and (11) found in the Journal on page 708.

The Barnett amendment (10) was adopted with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw the Barnett amendment (11). No objections. So ordered.

Mr. Chambers offered the following amendment:
To amend LB 38:
Page 74: In line 11, starting with "should", strike all language thru line 18.

Mr. Chambers asked unanimous consent for the amendment to be withdrawn. No objections. So ordered.

Mr. Chambers offered the following amendment:
To amend LB 38:
Page 67: Strike lines 12 – 20, to the period in line 20.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
To amend LB 38:
P. 85: Strike lines 12 – 17.

MR. MARVEL PRESIDING

Mr. Chambers asked unanimous consent for the amendment to be withdrawn. No objections. So ordered.

Mr. Chambers offered the following amendment:

To amend LB 38:

P. 68: Strike line 1 – 5.

Mr. Fowler offered the following amendment to the Chambers amendment:

On pg. 66 line 14 section 77 strike everything after "or" and strike all of line 15.

Amendment pending.

UNANIMOUS CONSENT–Print Amendments to LB 38 in the Journal

Mr. Venditte asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

(1) to amend sec. 77 sub-section 4

Any person knowingly or intentionally possessing marijuana weighing one pound or less shall be guilty of a Class II misdemeanor.

(2) to amend Section 77 sub-section 5

Any person knowingly or intentionally possessing marijuana weighing more than 1 lb. shall be guilty of a Class IV Felony.

UNANIMOUS CONSENT–Corrected Statement on LB 353

Mr. Keyes asked unanimous consent to submit a corrected committee statement on LB 353 to be put in the bill books. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 21A. By Savage, 10th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 21, Eighty-fifth Legislature, First Session, 1977.

SELECT FILE

LEGISLATIVE BILL 109. E & R amendments found in the Journal on page 866 for the Forty-Fourth Day were adopted.

Mr. Reutzel offered the following amendment:

Amendment to Committee Amendment to LB 109

1. In the committee amendment 1. to LB 109,
Journal page 387, strike "privilege" and insert "excise and use".

The amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Duis offered the following amendment:
Amendment to the Koch Amendments to LB 109 - White Copy Req. 2539
1. On page 3, lines 8 and 9 strike "one-fourth" and insert "one-third".

The amendment was adopted with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Maresh offered the following amendment:
Amend LB 109 page 4 in line 3 strike "eighty per cent of the" and in line 6 strike twenty and strike lines 7, 8 and 9.

PRESIDENT WHELAN PRESIDING

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Maresh amendment lost with 6 ayes, 18 nays, 18 present and not voting, and 7 excused and not voting.

Mr. Cullan offered the following amendment:
1. On page 4, line 10 after "Sec. 7." insert "(1)"; line 15, after "administered" insert "according to the provisions of this section"; and after line 21 insert "(2) When a recreational development plan is prepared for any state park, or area of the state park system, cooperatively managed by the Game and Parks Commission and the Nebraska Historical Society, such plan shall insure that adequate funds are appropriated to develop and maintain the historical aspects of the state park system. Preservation and restoration of historical sites shall have a high priority in the development of the state park system.".

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 12 nays, and 25 not voting.

The Cullan amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Mr. Newell offered the following amendment:
Amend LB 109 page 4 in line 3 strike "sixty per cent of the" and in line 6 strike twenty and strike lines 7, 8 and 9.
On page 5 line 6 strike "and forty per cent of" and in line 7 strike "the money collected pursuant to section 2 of this act."

On page 6 line 5 strike "and forty per cent of the money collected and line 6 strike "pursuant to section 2 of this act".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Newell amendment lost with 4 ayes, 19 nays, 19 present and not voting, and 7 excused and not voting.

Mr. Bereuter offered the following amendment:

1. On page 3, line 2 strike "and" and insert:

"(12) Beer shall mean a beverage obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water, and shall include, among other things, beer, ale, stout, lager beer, near beer, porter and the like; and"; in line 3 strike "(12)" and insert "(13)"; in line 7 after "(a)" insert "on beer of one-fourth cent per four consumable fluid ounces or less and an additional one-fourth cent for each additional four fluid ounces or portion thereof, (b)"; in line 10 strike "(b)" and insert "(c)"; in line 21 after "away" insert "bottled or canned beer or"; in line 23 after "the" insert "beer,".

2. On page 4, line 25 after "of" insert "beer," and after "drinks" insert ",".

3. On page 5, line 4 after "all" insert "beer,"; in lines 4, 6, and 13 after "drinks" insert ","; in line 5 after "such" insert "beer,"; in line 13 after "of" insert "beer,".

4. On page 6, line 18 after "of" insert "beer," and after "drinks" insert ",".

5. On page 7, line 5 after "spoiled" insert "beer," in lines 5 and 25 after "drinks" insert ","; in line 24 after "any" insert "beer,".

6. On page 8, line 2 after "such" insert "beer,"; in lines 2 and 4 after "drinks" insert ","; in line 3 after "seized" insert "beer,".

7. On page 9, line 3 after "of" insert "beer,"; in lines 3 and 9 after "drinks" insert ","; in line 8 after "any" insert "canned or bottled beer,".

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

Mr. Bereuter moved for a Call of the House. The motion prevailed with 17 ayes, 7 nays, and 25 not voting.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 14:

Bereuter	Boughn	Burrows	Cope	Dworak
Koch	Kremer	Maresh	Marsh	Moylan
Murphy	Newell	Stoney	Warner	

Voting in the negative, 22:

Carsten	Clark	Cullan	Duis	Fowler
George	Hefner	Keyes	Labedz	F. Lewis
R. Lewis	Luedtke	Marvel	Merz	Mills
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte			

Present and not voting, 6:

Chambers	DeCamp	Fitzgerald	Goodrich	Kelly
Maxey				

Excused and not voting, 7:

Barnett	Brennan	Hasebroock	Kahle	Lamb
Nichol	Rasmussen			

The Bereuter amendment lost with 14 ayes, 22 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Bereuter moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mrs. Marsh requested a machine vote on advancing LB 109.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

Mr. Bereuter requested a record vote in advancing LB 109.

Mr. Savage moved the Call be raised. The motion lost with 22 ayes, 2 nays, and 25 not voting.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 22 ayes, 10 nays, and 17 not voting.

Mr. F. Lewis requested a roll call vote.

The Chair ruled the vote was over.

Mr. F. Lewis challenged the ruling of the Chair. The question is "Shall the Chair be overruled?"

Mr. Duis requested a roll call vote on the challenge.

Voting in the affirmative, 22:

Boughn	Carsten	Cullan	DeCamp	Fitzgerald
George	Goodrich	Hefner	Kelly	Keyes
Labedz	F. Lewis	Luedtke	Marsh	Merz
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte			

Voting in the negative, 18:

Bereuter	Burrows	Clark	Cope	Duis
Dworak	Fowler	Koch	Kremer	R. Lewis
Maresh	Marvel	Mills	Moylan	Murphy
Newell	Stoney	Warner		

Present and not voting, 2:

Chambers	Maxey

Absent and not voting, 7:

Barnett	Brennan	Hasebroock	Kahle	Lamb
Nichol	Rasmussen			

The Chair was overruled with 22 ayes, 18 nays, 2 present and not voting, and 7 absent and not voting.

Vote on advancing LB 109.

Voting in the affirmative, 23:

Carsten	Cullan	Duis	Fitzgerald	Fowler
George	Goodrich	Hefner	Keyes	Kremer
Labedz	F. Lewis	R. Lewis	Luedtke	Merz
Mills	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Venditte		

Voting in the negative, 15:

Bereuter	Boughn	Burrows	Chambers	Cope
Dworak	Kelly	Koch	Maresh	Marsh
Marvel	Moylan	Murphy	Stoney	Warner

Present and not voting, 4:

Clark	DeCamp	Maxey	Newell

Excused and not voting, 7:

Barnett	Brennan	Hasebroock	Kahle	Lamb
Nichol	Rasmussen			

Failed to advance to E & R for Engrossment with 23 ayes, 15 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Stoney moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session for the Government Committee Friday, March 18, 1977 at 1:30 p.m., under the south balcony.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 48. Placed on General File.

LEGISLATIVE BILL 303. Placed on General File as amended.
Standing Committee amendments to LB 303:

1. On page 4, line 5 strike "thirty" and insert "twenty"; and in line 24 strike "the persons from whom he acquired such securities" and insert "the department and the target company".
2. On page 6, line 9 strike "Complete" and insert "Material".
3. On page 7, line 12 strike "thirty" and insert "twenty"; in line 15 after "may" insert ", based upon its own inquiry or at the request of the target company acting through its board of directors,"; in line 17 after "state" insert a period and strike beginning with the comma in line 17 through the period in line 18; in line 23 strike "thirty" and insert "twenty"; in line 26 strike "sixty" and insert "twenty"; and in line 27 strike "periods" and insert "period for a period of ten days".
4. On page 9, strike beginning with the comma in line 15 through the period in line 17 and insert "than such offeror is bound or willing to take up and pay for, the securities shall be taken up as nearly as may be pro rata, disregarding fractions, according to the numbers of securities deposited by each offeree.".

5. Strike original section 10 and insert:
"Sec. 10. Any securities deposited pursuant to a take-over bid may be withdrawn by or on behalf of the offeree at any time until the expiration of fifteen days after the effective date of the take-over bid.".
6. Insert a new section 13 to read as follows:
"Sec. 13. No solicitation or recommendation to the stockholders of a target company to accept or reject a take-over bid shall be made unless, at the time copies of such solicitation or recommendation are first published or sent or given to such stockholders, the person making such solicitation or recommendation has filed copies of the solicitation or recommendations with the department.".
7. On page 11 line 14 strike "outstnading" and insert "outstanding"; in line 18 after the semicolon insert "and"; and strike lines 19 through 27.
8. On page 12 strike lines 1 and 2; in line 3 strike "(4)" and insert "(3)".
9. Insert a new section 17 to read as follows:
"Sec. 17. The provisions of this act shall not apply to those companies and associations which are insurers and are regulated by the provisions of Chapter 44, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".
10. Renumber original sections 13 through 15 as sections 14 through 16 respectively and original sections 16 and 17 as sections 18 and 19.

LEGISLATIVE BILL 305. Placed on General File.
LEGISLATIVE BILL 431. Placed on General File.

LEGISLATIVE BILL 502. Placed on General File as amended.
Standing Committee amendment to LB 502:
1. On page 2, line 9, reinstate the stricken matter, and strike "two"; in line 10, strike "dollars" and strike "Fifty" and insert "~~Fifty~~ One hundred".

LEGISLATIVE BILL 506. Placed on General File as amended.
Standing Committee amendment to LB 506:
1. On page 2, line 2, after "property", insert "subject to rules and regulations of the Department of Banking and Finance"; and strike lines 3 and 4.

LEGISLATIVE BILL 417. Indefinitely postponed.

(Signed) John DeCamp, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 408. Placed on General File as amended.
Standing Committee amendment to LB 408:

1. On page 5, reinstate the stricken matter in lines 5 through 12; line 5 strike the reinstated "(3)" and insert "(5)"; line 13 strike "(5)" and insert "(6)".

(Signed) Jerry D. Koch, Chairman

ANNOUNCEMENT

Mr. Schmit announced the Agriculture and Environment Committee will meet in executive session on Friday, March 18, 1977 at 12:00 noon.

GENERAL FILE

LEGISLATIVE BILL 273. Considered.

Mr. Chambers asked unanimous consent to withdraw his pending motion found in the Journal on page 886 to bracket. No objections. So ordered.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 884.

Mr. Chambers offered the following amendment to the F. Lewis amendment:

In section 2, strike "Robert S. Devaney" and insert "Terry Carpenter".

Mr. Clark 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. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Burrows	Chambers	Dworak	Fowler	Keyes
Labedz	Murphy			

Voting in the negative, 26:

Bereuter	Boughn	Carsten	Clark	Cope
Fitzgerald	George	Goodrich	Hefner	Koch
F. Lewis	Luedtke	Maresh	Marsh	Marvel
Merz	Mills	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Present and not voting, 9:

Cullan	DeCamp	Duis	Kelly	Kremer
R. Lewis	Maxey	Moylan	Newell	

Excused and not voting, 7:

Barnett	Brennan	Hasebroock	Kahle	Lamb
Nichol	Rasmussen			

The Chambers amendment lost with 7 ayes, 26 nays, 9 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT – Print amendment to LB 360

Mr. Keyes asked unanimous consent to print the following amendment to LB 360 in the Journal. No objections. So ordered.

Keyes amendment No. 3 to LB 360

1. Strike the original sections and insert the following:

"Section 1. That section 77-202.30, Revised Statutes Supplement, 1976, be amended to read as follows:

77-202.30. Beginning January 1, 1976, and each year thereafter, the Legislature shall appropriate so much of all funds collected by a general sales tax and income tax to a special fund, to be known as the Personal Property Tax Relief Fund which is hereby created. ~~, as shall equal the total tax revenue lost to all taxing agencies within the county from taxes levied and assessed in the preceding year because of exemptions allowed under the provisions of sections 77-202.25 to 77-202.33 as certified each year by the county assessor of each county to the Tax Commissioner on or before November 1 of each year beginning November 1, 1976.~~ Such fund shall be used to replace some of the revenue lost because of exemption allowed under sections 77-202.25 to 77-202.29 and section 2 of this act. The money in the Personal Property Tax Relief Fund shall be distributed to the counties in seven as nearly as possible equal monthly payments, between the fifth and twentieth day of each month beginning December, 1976, and each year thereafter. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The Director of Administrative Services shall, upon receipt of such notification, draw warrants against funds appropriated. Out of the amount so received, the

county treasurer shall retain one per cent thereof and ~~then shall distribute the remainder to each of the taxing agencies within his county~~ distribute the money as follows: (1) Twenty per cent to the county; (2) twenty per cent to cities and villages within the county; and (3) sixty per cent to the school districts within the county. Out of the amount of the fund to be received by the cities and villages, fifty per cent shall be distributed in the same proportion as the total population of each city or village is to the total population of all cities and villages within the county; and fifty per cent shall be distributed in the same proportion as the total assessed valuation of each city or village within the county is to the total assessed valuation of all cities or villages within the county. Out of the amount of the fund to be received by the school districts, fifty per cent shall be distributed in the same proportion as the average daily membership of resident and nonresident pupils for the preceding school year of each school district within the county is to the total average daily membership of resident and nonresident pupils for the preceding school year for all school districts within the county; and fifty per cent shall be distributed in the same proportion as the total assessed valuation of each school district within the county is to the total assessed valuation of all school districts within the county.

Each ~~taxing agency~~ county, city, village, and school district shall, in preparing its annual budget, take into account the revenue to be received under the provisions of this section.

Sec. 2. Effective January 1, 1978, an additional thirty-seven and one half per cent exemption from actual values to those totals already provided in sections 77-202.25 to 77-202.29 shall be allowed for the classes of property provided in section 77-202.25.

Sec. 3. Beginning January 1, 1978, and each year thereafter, the Legislature shall appropriate eighty million dollars from funds collected by a general sales tax and income tax to the Personal Property Tax Relief Fund.

Sec. 4. The money in the Personal Property Tax Relief Fund shall be annually distributed to the county treasurers on a prorated basis. Forty million dollars of the fund shall be distributed to the counties in the same proportion as the total population of each county is to the total population of all counties; and forty million

dollars from the fund shall be distributed to the counties in the same proportion as the total assessed valuation of each county is to the total assessed valuation of all counties.

Sec. 5. That original section 77-202.30, Revised Statutes Supplement, 1976, is repealed.".

VISITORS

The President introduced Mr. & Mrs. John Nickman and Mr. & Mrs. Bob Nickman from Pleasanton, Nebraska; Mr. Ken Mahlon, Superintendent of Milligan Public School, Milligan, Nebraska; Mrs. Gayle Sturm and Mrs. Linda Kass, daughters of Senator Fitzgerald; Mr. Myron L. Rumery, son of Senator Rumery; 10 members of the Creative Home Makers Extension Club, Lincoln, Nebraska; 18 senior high students and sponsors from Roseland, Nebraska; 40 junior and senior students and teacher from Genoa, Nebraska; 54 Ninth grade students and instructor from Ralston, Nebraska.

RECESS

At 12:01 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m.,President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, Brennan, Lamb, and Nichol who were excused; Messrs. Carsten, Fitzgerald, R. Lewis, Kahle, Rasmussen, and Mrs. Maxey who were excused until they arrive; and the Appropriations Committee who were excused until 2:15 p.m.

GENERAL FILE

LEGISLATIVE BILL 311. Title read. Considered.

Mr. Moylan moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Moylan moved the Call be raised. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 20 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 311A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 32.

Introduced by the Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Marsh, 29th District; Goodrich, 20th District; Savage, 10th District; Fowler, 27th District; Hasebroock, 18th District; Rumery, 42nd District.

WHEREAS, the Board of Regents of the University of Nebraska has requested funds for faculty salary parity with comparable institutions in other states; and

WHEREAS, the Board of Regents of the University of Nebraska has in the past requested funds to provide salary equity for faculty members of the Institute of Agriculture and Natural Resources with faculty in other disciplines within the University of Nebraska, Lincoln campus, and whereby a portion of the 1976-77 salary dollars were allocated on the basis of internal equity between disciplines; and

WHEREAS, the Board of Regents of the University of Nebraska has requested funds to provide comparable support to comparable instructional programs between the University of Nebraska, Lincoln, and the University of Nebraska at Omaha campuses; and

WHEREAS, the Board of Regents of the University of Nebraska has selected the Land Grant Institutions in the AAU as the comparison institutions for the determination of faculty salary parity and questions have been raised regarding the validity of these comparisons; and

WHEREAS, the Board of Regents of the University of Nebraska has declared its intention of adopting a formula as the means for a parity level of support between the University of Nebraska, Lincoln, and the University of Nebraska at Omaha campuses and questions have arisen as to the validity of the formula selected and the formula approach, in general, in light of the different missions of the two campuses.

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

1. That the Appropriations Committee of the Legislature serve as an interim study committee on the University of Nebraska parity and equity concerns.

2. That this committee is directed to investigate the following topics:

(a) The salary comparison studies developed by the University of Nebraska and the question of faculty salary parity with comparable institutions;

(b) The salary levels between disciplines within the various campuses of the University of Nebraska;

(c) The salary levels between disciplines among the various campuses of the University of Nebraska;

(d) The question of the desirability and feasibility of a formula approach for achieving parity between the two campuses and the validity of the formula selected by the Board of Regents; and

(e) The factors, other than salary and financial support, which could or should be included when considering the parity of educational offerings and opportunities between the University of Nebraska, Lincoln, and University of Nebraska at Omaha.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 33.

Introduced by Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Marsh, 29th District; Fowler, 27th District; Savage, 10th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District.

WHEREAS, the Board of Trustees of the State Colleges has requested funds for faculty salary parity with similar institutions in other states; and

WHEREAS, the Board of Trustees of the State Colleges has selected for salary comparison a group of institutions similar to the State Colleges in role and mission from the Association of Central States Colleges and Universities; and

WHEREAS, the Board of Trustees of the State Colleges has declared their intention of adopting a salary policy as the means for achieving salary parity between the State Colleges and other institutions, and questions have arisen as to the validity of the salary policy.

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

1. That the Appropriations Committee be appointed to serve as an interim study committee on the salary policy and formula concerns of the Board of Trustees of the State Colleges.

2. That this committee is directed to investigate the following topics:

(a) The salary comparison study developed by the Board of Trustees of the State Colleges;

(b) The validity of the existing and proposed salary policy comparison and support assumptions;

(c) A determination of which postsecondary institutions, both interstate and intrastate that are similarily situated and could be used appropriately for salary comparison and parity purposes;

(d) The question of the desirability and feasibility of comparison approach for achieving salary parity;

(e) The factors, other than salary and financial support, that could or should be included in considering the salary parity policy of the Board of Trustees of the State Colleges.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 312. Title read. Considered.

Standing Committee amendments found in the Journal on page 631 for the Thirty-Second Day was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Moylan moved the adoption of the R. Lewis amendment found in the Journal on page 875.

Mr. Moylan asked unanimous consent to have the R. Lewis amendment held until Select File. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 245. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 228. Title read. Considered.

Standing Committee amendments found in the Journal on page 669 for the Thirty-Fourth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Laid over.

LEGISLATIVE BILL 317. Title read. Considered.

Standing Committee amendments found in the Journal on page 700 for the Thirty-Fifth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

MR. SAVAGE PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 474. Title read. Considered.

Advanced to E & R for Review with 24 ayes, 0 nays, 15 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 283. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 15present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 365. Title read. Considered.

Standing Committee amendments found in the Journal on page 713 for the Thirty-Sixth Day were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 42
March 15, 1977

Dear Senator DeCamp:

You have requested the opinion of this office concerning the constitutionality of section 34(1) (c) of LB 38. That section provides as follows:

> "Sec. 34. (1) Any person who subjects another person to sexual penetration and . . . (c) the actor is more than eighteen years of age and the victim is less than sixteen years of age is guilty of sexual assault in the first degree."

The elements which are defined for the crime are as follows: (1) sexual penetration, (2) by an actor more then eighteen years of age and (3) upon a victim less than sixteen years of age. Elements (2) and (3) are relatively self-explanatory. Element (1), sexual penetration, requires greater scrutiny, however.

Section 33(5) of LB 38 defines sexual penetration as follows, as used in sections 32 to 38:

> "(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 shall not require emission of semen; . . ."

The definition of sexual penetration, as contained in section 33(5), describes simply a physical act. The definition does not require the act to be performed with any particular intent, such as the intent to produce sexual arousal or gratification as is found in the definition of sexual contact in section 33 (4). Neither do we at any place find any exemptions or exceptions to the operation of section 34(1)(c). We therefore must conclude that, on its face, section 34(1)(c) would render the situations you describe to be criminal offenses, i.e., a doctor over the age of eighteen would violate the terms of the section by giving a gynecological examination to a patient under the age of sixteen, and a parent over the age of eighteen would violate the terms of the section by administering an enema to a child under the age of sixteen.

State v. Adkins, 196 Neb. 76, _____ N.W.2d _____ (1976), and State v. Shiffbauer, 197 Neb. 805, _____N.W.2d _____ (1977), are two very recent cases dealing with the question of whether particular statutes are vague and overbroad, contrary to the due process clause of the Fourteenth Amendment.

State v. Adkins, supra, dealt with the constitutionality of section 28-4,127(1)(g), R.R.S. 1943, being in a place where controlled substances are being used. The Supreme Court there noted that the elements of that crime were broad enough to encompass entirely innocent behavior as well as behavior which the Legislature had obviously intended to encompass. The court utilized the following test in determining that the statute defining the offense was viod for uncertainty:

> ". . . 'The test to determine whether a statute defining an offense is void for uncertainty (1) is whether the language may apply not only to a particular act about which there can be little or no difference of opinion, but equally to other acts about which there may be radical differences, thereby devolving on the court the exercise of arbitrary power of discriminating between the several classes of acts. (Citing case.) (2) The dividing line between what is lawful and what is unlawful cannot be left to conjecture.' . . ." Id. at 82.

The court also found that the statute was:

> ". . . vulnerable to attack on the ground that the language employed therein is so general and indefinite as to embrace not only acts commonly recognized as reprehensible, but also others which it is unreasonable to presume were intended to be made criminal. . . ." Id. at 82.

The court then determined that the application of the statute should not be limited through interpretation, but that that is properly the function of the Legislature. The court concluded by holding the statute in question to be unconstitutional on its face due to vagueness and overbreadth.

State v. Shiffbauer, supra, dealt with the constitutional validity of section 28-4,125(7), R.R.S. 1943, knowingly or intentionally delivering a substance represented to be a controlled substance but which in fact was not such a substance. The statute was questioned on the basis that it was vague and overbroad since it could apply to innocent conduct as well as conduct intended to be forbidden, i.e., a doctor prescribing a placebo. The court held, however, that the conduct of the particular defendant was within that clearly intended to be forbidden, and that the statute provided the defendant adequate notice that the conduct he was engaging in was forbidden. The court furthermore held that the defendant therein lacked standing to challenge the constitutionality of the statute since it could constitutionally be applied to him. In essence, the court held that the statute was not unconstitutional on its face, but conceded the statute may be unconstitutional as applied to certain innocent conduct, i.e., the dispensing of an uncontrolled substance by a physician or pharmacist. Justice McCown, joined by Justice Brodkey, wrote a vigorous dissenting opinion in which he expressed his opinion that the statute should have been held to be unconstitutional on its face based essentially on the same reasoning expressed in State v. Adkins, supra.

Upon first blush it appears very difficult to reconcile the Shiffbauer and Adkins cases. However, the two cases can be reconciled on the basis that the statute held unconstitutional on its face in Adkins affected and would tend to inhibit the First Amendment freedom of association, whereas the statute in Shiffbauer does not affect or tend to inhibit a First Amendment freedom. This is in accordance with the principal that statutes affecting a First Amendment right require a closer scrutiny. State v. Guy, 196 Neb. 308, ___ N.W.2d ___ (1976); Broadrick v. Oklahoma, 413 U.S. 601, 37 L.Ed.2d 830, 93 S.Ct. 2908 (1973).

It is the opinion of this office that if section 34(1)(c) were to be utilized in a situation such as you presented, i.e., a doctor's examination or a parent's administration of an enema, which are normally thought to be innocent conduct, that the section would be held to be unconstitutional as applied. However, since section 34(1)(c) does not appear to substantially affect First Amendment rights, it is our opinion that, as in Shiffbauer, the statute would not be held to be unconstitutional on its face, but its constitutionality would be measured as applied in individual cases.

Yours very truly,
PAUL L. DOUGLAS
Attorney General
(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print amendment to LB 109 in the Journal

Mr. Kelly asked unanimous consent to print the following amendment to LB 109 in the Journal. No objections. So ordered.

Amendment to LB 109 (white copy)
Strike Section 22 and insert:
Section 22. No expenditure shall be made from the Nebraska Outdoor Recreation Development Cash Fund until the Game and Parks Commission has presented a recreational development plan to the Legislature for its review, modification and final approval of such plan. All Nebraska Outdoor Recreation Development Cash Fund projects with a total cost in excess of fifty thousand dollars shall be appropraited as separate programs. The money in such fund shall be administered by the Game and Parks Commission for the development, improvement, operation, and maintenance of areas of the state park system. Such fund may be used in whole or in part for the matching of federal funds. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services.

MOTION—Place LB 170 on General File

Mr. Koch moved pursuant to Rule 3, Section 10 (b), that LB 170 be placed on General File.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 353. Title read. Considered.

Standing Committee amendment found in the Journal on page 723 for the Thirty-Seventh Day was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 355. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 362. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 3 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 473. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 459A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 459, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 440. Placed on General File as amended.
Standing Committee amendment to LB 440.

1. On page 3, line 5 after "adherent" insert "and no immunization shall be required of any child who is directed by a doctor, in writing, not to be immunized"; and in line 20 after the underscored period insert "No such immunization shall be required of any student who is directed by a doctor, in writing, not to be immunized.".

LEGISLATIVE BILL 445. Placed on General File as amended.
Standing Committee amendment to LB 445:

1. On page 2, strike beginning with "and" in line 6 through "subdivision" in line 12 and insert the following: ", equipment, supplies, and personal property for their own use. Educational service units may purchase, lease, lease-purchase, or act as purchase agent for equipment, supplies, and personal property for resale only to school districts within their territorial boundaries or to other educational service units".

LEGISLATIVE BILL 508. Placed on General File as amended.
Standing Committee amendment to LB 508:

1. On page 2, line 2 strike "five" and insert "ten".

(Signed) Frank Lewis, Chairman

GENERAL FILE

LEGISLATIVE BILL 419. Title read. Considered.

Mr. Stoney offered the following amendment:
Amend on page 3 line 20 strike fifty dollars and insert twenty five dollars
Line 22 strike $50.00 and insert $25.00

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Stoney amendment lost with 11 ayes, 17 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 421. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT—Print amendment to LB 38 in Journal

Mr. Venditte asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

Amendments to LB 38

1. Insert a new section 103 as follows:
"Sec. 103. Whosoever shall be found in the State of Nebraska in a state of intoxication shall be guilty of a Class I misdemeanor.".
2. Renumber original sections 103 to 346 as sections 104 to 347 respectively.

GENERAL FILE

LEGISLATIVE BILL 363. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 480. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 481. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT–Print Amendments to LB 421

Mr. Burrows asked unanimous consent to print the following amendment to LB 421 in the Journal. No objections. So ordered.

Amendment to LB 421

Amend L.B. 421 on page 2 on Line 11 strike one thousand and insert two hundred fifty and on Line 12 strike five thousand and insert one thousand, and place a period after the 2nd word dollars on Line 12 and strike the language following the period on Lines 12, 13, and 14.

UNANIMOUS CONSENT–Print Amendments to LB 257

Mr. Fowler asked unanimous consent to print the following amendments to LB 257 in the Journal. No objections. So ordered.

1. Insert a new section to read as follows:
"Sec. 8. The Nebraska Accountability and Disclosure Commission, created by section 49-14,105, Revised Statutes Supplement, 1976, shall terminate on July 1, 1984.".
2. Renumber original sections 8 through 14 as sections 9 through 15 respectively.

UNANIMOUS CONSENT–Member Excused

Mrs. Marsh asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 459. Title read. Considered.

Standing Committee amendments found in the Journal on page 748 for the Thirty-Eighth Day were adopted with 29 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 459A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE RESOLUTION 8. Read and considered.

LR 8 was adopted with 27 ayes, 0 nays, and 22 not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 462. Title read. Considered.

Mr. Duis offered the following amendment:
LB 462

1. On page 2 after line 19 insert a new section as follows:

Section 3. The Revisor of Regulations shall collect payments and make disbursements of such funds as may be necessary to carry out the provisions of this act.

2. Renumber original section 3. as section 4.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 504. Bracketed until April 5, 1977, at the request of Mr. Maresh.

LEGISLATIVE BILL 111. Title read. Considered.

Standing Committee amendment found in the Journal on page 779 for the Thirty-Ninth Day was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 469. Title read. Considered.

Standing Committee amendments found in the Journal on page 789 for the Fortieth Day were adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Laid over.

MESSAGE FROM THE GOVERNOR

March 17, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative bill No. 29.

This bill was signed by me on March 17, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

ANNOUNCEMENT

Mr. Luedtke announced we will have session Friday morning, March 18, 1977 and no session for Friday afternoon, March 18, 1977.

ADJOURNMENT

At 4:28 p.m., on a motion by Speaker Luedtke, the Legislature adjouned until 9:00 a.m., Friday, March 18, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-SIXTH DAY–MARCH 18, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 18, 1977

Pursuant to adjournment, the Legislature met at 9:02 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Meet with us as we meet once more, O Lord our God, for we do need help. Even our small mistakes become obvious, and our proudest accomplishment but temporary. . .
>
> Our little bills seem so trivial beside the great, breaking events of these times, and so uncertain in response to voices which urge: "do something about this," "do nothing about that". . .
>
> And those which complain: "Too little;" "Too much;" "Too soon;" "Too late."
>
> We do need help. Lobby within our hearts and minds, O God, for everything that is right, lest we give in to anything that is easy. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Brennan and Mrs. Labedz who were excused; and Mr. Fowler and Mrs. Maxey who were excused until they arrive; and Mr. Chambers who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 901, line 35, delete "20 present" and insert "10 present".
Page 908, line 13, correct spelling of "appropriated".
The Journal for the Forty-Fifth Day was approved as corrected.

UNANIMOUS CONSENT–Member Excused

Mr. Rumery asked unanimous consent to be excused at 10:30 a.m. for the remainder of the day. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 401. Placed on Select File as amended.
E & R amendments to LB 401:
1. On page 2, line 5, insert a comma after "Legislature".
2. In the title, line 4, strike "and" and insert "; and to declare an emergency" after "membership".

LEGISLATIVE BILL 264. Placed on Select File.

LEGISLATIVE BILL 45. Placed on Select File as amended.
E & R amendment to LB 45:
1. On page 3, line 2, strike the comma.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put unpon final passage:

LEGISLATIVE BILL 88. With Emergency.

A BILL FOR AN ACT to amend section 81-117, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to change the manner in which overtime shall be compensated; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 1:

Kremer

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Brennan Fowler Labedz Maxey

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 125.

A BILL FOR AN ACT to amend section 43-243, Reissue Revised Statutes of Nebraska, 1943, relating to juvenile courts; to change notice requirements for a hearing to set aside the adjudication and seal the records; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 1:

Venditte

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Brennan	Fowler	Labedz	Maxey

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 31-727.03, Revised Statutes Supplement, 1976, relating to sanitary and improvement districts; to change a date; to provide for the recording of statements 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Excused and not voting, 4:

Brennan	Fowler	Labedz	Maxey

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

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

The Chambers pending amendment found in the Journal on page 891 was renewed.

The Fowler amendment to the Chambers amendment found in the Journal on page 891 was renewed.

The Fowler amendment was adopted with 16 ayes, 4 nays, 25 present and not voting, and 4 excused and not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 15:

Boughn	Burrows	Chambers	Clark	Duis
Kelly	Koch	Marsh	Merz	Newell
Nichol	Rasmussen	Savage	Venditte	Warner

Voting in the negative, 20:

Barnett	Carsten	Cope	Fitzgerald	Goodrich
Hasebroock	Hefner	Kahle	Lamb	R. Lewis
Maresh	Marvel	Moylan	Murphy	Reutzel
Rumery	Schmit	Simon	Stoney	Swigart

Present and not voting, 10:

Bereuter	Cullan	DeCamp	Dworak	George
Keyes	Kremer	F. Lewis	Luedtke	Mills

Excused and not voting, 4:

Brennan	Fowler	Labedz	Maxey

The Chambers amendment, as amended, lost with 15 ayes, 20 nays, 10 present and not voting, 4 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Venditte asked unanimous consent to withdraw his pending amendment found in the Journal on page 910. No objections. So ordered.

Mr. Venditte offered the following amendment:

Amend LB 38 on page 5 line 7 strike "none" and insert "fine $100.00."

Mr. Barnett raised a point of order that only amendments to the Article under consideration be accepted.

The Chair ruled the Speaker's order is to consider amendments to Article 4 only at this time and other amendments to the bill will be considered after each Article has been considered.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers moved for a Call of the House. The motion prevailed with 19 ayes, 12 nays, and 18 not voting.

Mr. Chambers requested a roll call vote on the challenge.

Voting in the affirmative, 10:

Boughn	Burrows	Chambers	Clark	Duis
Kelly	Mills	Murphy	Rasmussen	Venditte

Voting in the negative, 31:

Barnett	Carsten	Cope	Cullan	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Lamb
R. Lewis	Maresh	Marsh	Marvel	Merz
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Warner				

Present and not voting, 4:

Bereuter	DeCamp	F. Lewis	Luedtke

Excused and not voting, 4:

Brennan	Fowler	Labedz	Maxey

The motion lost with 10 ayes, 31 nays, 4 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Mr. DeCamp moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

SELECT FILE

LEGISLATIVE BILL 30. Mr. Maresh asked unanimous consent to bracket LB 30 until March 29.

Mr. Simon objected.

Mr. Maresh moved to bracket LB 30 until March 29. The motion prevailed with 27 ayes; 2 nays; 16 present and not voting; and 4 absent and not voting.

LEGISLATIVE BILL 109. Mr. Ruetzel asked unanimous consent to bracket LB 109 until March 21. No objections. So ordered.

LEGISLATIVE BILL 109A. Mr. Reutzel asked unanimous consent to bracket LB 109A until March 21. No objections. So ordered.

LEGISLATIVE BILL 230. E & R amendment found in the Journal on page 888 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. E & R amendments found in the Journal on page 888 for the Forty-Fifth Day were adopted.

Mr. Reutzel asked unanimous consent to bracket until March 21. No objections. So ordered.

LEGISLATIVE BILL 81A. Mr. Reutzel asked unanimous consent to bracket until March 21. So objections. So ordered.

LEGISLATIVE BILL 79. E & R amendments found in the Journal on page 889 for the Forty-Fifth Day were adopted.

Mr. Cope asked unanimous consent to bracket until March 23. No objections. So ordered.

LEGISLATIVE BILL 79A. Mr. Cope asked unanimous consent to bracket until March 23. No objections. So ordered.

LEGISLATIVE BILL 77. Mr. Murphy moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 176. E & R amendment found in the Journal on page 889 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Print Amendments to LB 38

Mr. Barnett asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

(1)

AMENDMENT TO LB 38

1. On page 80, strike beginning with "to" in line 14 through "subsection" in line 16 and insert "in transporting any controlled substance with intent to manufacture, distribute, deliver, dispense, export, or import such controlled substance".

2. On page 83, line 22 after the period insert "If after a trial, or upon hearing before the court without a trial when no claimant has appeared to defend the complaint, it shall appear beyond a reasonable doubt that such conveyance was used or intended for use in transporting a controlled substance with intent to manufacture, distribute, deliver, dispense, export, or import such controlled substance, then such conveyance shall be ordered sold.".

(2)

AMENDMENTS TO LB 38
Article VI

1. On page 111, line 7 strike "three hundred" and insert "one thousand"; line 9 strike "seventy-five" and insert "three hundred"; line 10, strike "three hundred" and insert "one thousand" and strike "and"; after line 10 insert "(c) A Class I misdemeanor if the amount of the check or order is seventy-five dollars or more, but less than three hundred dollars; and"; in line 11, strike "(c)" and insert "(d)" and strike "I" and insert "II".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 169. Placed on General File.

LEGISLATIVE BILL 196. Placed on General File as amended.
Standing Committee amendment to LB 196:

1. On page 2, line 25, strike "shall" show as stricken, and insert "may".

LEGISLATIVE BILL 208. Placed on General File.

LEGISLATIVE BILL 212. Placed on General File as amended.
Standing Committee amendments to LB 212:

1. On page 2, lines 16 and 17 strike "the Nebraska County Judges Association,"; in line 18 strike "and"; in line 19 after "Association" insert ", the Nebraska Bar Association, and the Police Officers Association of Nebraska"; strike beginning with "one" in line 20 through "sheriffs" in line 22 and insert "two county commissioners; (3) one county sheriff; (4) one municipal police chief; (5) one member of the Nebraska Bar Association; and (6) three lay people".

2. On page 6, line 16 after "." insert "Such board shall develop minimum standards on or before January 1, 1979.".

LEGISLATIVE BILL 164. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 8.

UNANIMOUS CONSENT—Print Amendments to LR 27

Mr. Venditte asked unanimous consent to print the following amendment to LR 27 in the Journal. No objections. So ordered.

P. 824
Line 2 after "electricity" insert water and gas
Line 4 strike "Public Power" and insert "Utilities"
Referred to the Executive Board.

UNANIMOUS CONSENT—Add Co-Introducer to LB 518

Mr. Hefner asked unanimous consent to add his name to LB 518. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 273. Considered.

The F. Lewis pending amendment found in the Journal on page 884 was renewed.

Mr. Chambers offered the following amendment to the F. Lewis amendment:

To amend the F. Lewis amendment: In section 2, strike "Robert S. Devaney." After "Complex" insert: "The football field shall be named and known as Robert S. Devaney Field".

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

The Chair excused Mr. Barnett for a short time.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 24:

Bereuter	Boughn	Chambers	Clark	Cope
Cullan	Duis	Dworak	Fowler	Koch
Kremer	Lamb	R. Lewis	Maresh	Marvel
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Stoney	Venditte	

Voting in the negative, 20:

Burrows	Carsten	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	F. Lewis
Luedtke	Marsh	Maxey	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Warner

Present and not voting, 2:

DeCamp Kelly

Excused and not voting, 3:

Barnett Brennan Labedz

The Chambers amendment was adopted with 24 ayes, 20 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Hefner moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Newell moved to recommit LB 273 to committee. The motion lost with 2 ayes, 36 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Simon offered the following amendment to the F. Lewis amendment:

To amend the Lewis amendment to strike the new language in Section 2 and add the following words on line 7 after "Structures". No sites or structures shall be named after any living citizen."

MR. MARVEL PRESIDING

Mr. Simon moved for a Call of the House. The motion lost with 13 ayes, 19 nays, and 17 not voting.

The Simon amendment lost with 15 ayes, 19 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Simon offered the following amendment to the F. Lewis amendment: Amend the Lewis amendment to name the Sports Complex the "William Jennings Bryan Memorial Sports Complex".

Mr. Lamb moved to bracket LB 273 until April 25.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Lamb motion to bracket lost with 10 ayes, 31 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Bereuter 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 Simon amendment lost with 4 ayes, 31 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Barnett offered the following amendment to the F. Lewis amendment: Amend the Lewis amendment by striking "Robert S. Devaney" and inserting "Nebraska".

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 10 nays, and 14 not voting.

The Barnett amendment was adopted with 19 ayes, 16 nays, 11 present and not voting and 2 excused and not voting.

Mr. Chambers offered the following amendment to the F. Lewis amendment:

Amend the Lewis Amendment to strike the portion of the Chambers amendment referring to the football field.

The amendment was adopted with 22 ayes, 10 nays, 15 present and not voting, and 2 excused and not voting.

The F. Lewis amendment, as amended, was adopted with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 44
March 16, 1977

Dear Senator DeCamp:

In your letter of February 16, 1977, you asked our office to review LB 130 in light of ". . . any problem with constitutionality." LB 130 creates and defines an "integrated corporation" as a corporation where (1) the corporate stock has majority ownership by another corporation, or (2) the corporation owns the majority stock in another corporation, or (3) the corporation processes, sells at wholesale or sells at retail more agricultural products, except lumber and poultry, than it produces.

LB 130 defines and limits the ability of an integrated corporation to own or control Nebraska real estate. The proposed law amends sections 76-402, and 76-413, R.R.S. 1943, and generally treats integrated corporations like foreign corporations for the purposes of acquiring or owning any real estate situated in Nebraska. These limitations on "integrated corporations" must be read to apply only to Nebraska corporations because any corporation organized under laws other than the laws of this state is considered a foreign corporation, which is already limited by virtue of existing law in its ability to own real estate in Nebraska.

Therefore, the primary constitutional question raised by LB 130 is whether the Legislature may limit the ability of a certain type of Nebraska corporation to acquire and hold real estate situated in this state.

A corporation is an artificial person, created by and deriving its powers from legislative enactment. Nebraska Wheat Growers' Association v. Smith, 115 Neb. 177, 212 N.W. 39 (1927). The ability of a corporation to hold and acquire real estate was discussed in Tash v. Ludden, 88 Neb. 292, 129 N.W. 417 (1911), where the court noted:

> "All corporations capable of taking and holding property have the jus disponendi as fully as natural persons, except so far as they are restrained by statute, or are prohibited by their articles of incorporation or outstanding contracts; and under this general power a corporation may dispose of the whole of its property for any lawful purpose." Id.; Price v. Fraser, 119 Neb. 806, 809, 231 N.W.2d 18, 21 (1930).

The Nebraska Constitution sets out the procedure for the Legislature to follow in granting certain powers to corporations. At Article XII, Section 1, the Constitution provides, in pertinent part:

> "The Legislature shall provide by general law for the organization, regulation, supervision and general control of all corporations, . . . No corporations shall be created by special law, . . . , except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state. . . ." (Emphasis added)

The Nebraska Constitution further provides, at Article III, Section 18, that the Legislature shall not pass local or special laws in any of the following cases:

> ". . . . Granting to any corporation, association, or individual any special or exclusive privileges, . . . In all other cases where a general law can be made applicable, no special law shall be enacted."

It is our opinion that LB 130 attempts to regulate a certain type of Nebraska corporation by special, as opposed to general law. The proposed legislation appears to be in contravention of the Nebraska constitutional provisions set out above. The general law currently applicable to all Nebraska private corporations is the Nebraska Business Corporation Act, section 21-2001 et seq., R.R.S. 1943. This law provides at section 21-2004(4) that every domestic corporation shall have power:

> "To purchase, take, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, . . ."

The rationale underpinning the constitutional prohibition against special legislation for the regulation of corporations is set out in Wittler v. Baumgartner, 180 Neb. 446, 144 N.W.2d 62 (1966), where the court said:

> ". . .: 'The legislature may legislate in regard to a class of persons, but they cannot take what may be termed a natural class of persons, split that class in two, and then arbitrarily designate the dissevered fractions of the original unit as two classes, and enact different rules for the government of each.' . . ." 180 Neb. at 457; see also City of Scottsbluff v. Tiemann, 185 Neb. 256, 266, 175 N.W.2d 74 (1970).

LB 130 attempts to regulate integrated corporations in the same way the existing law already regulates foreign corporations. However, our conclusions in regard to this legislation do not mean that the Legislature cannot similarly regulate a foreign corporation. Foreign corporations are separately treated in respect to the general law of the Nebraska Business Corporation Act. See section 21-2,120, R.R.S. 1943. Foreign corporations are separately addressed in Article XII, Section 1 of the Nebraska

Constitution. More importantly, the Nebraska Supreme Court has recognized that the public policy of this state directs against the acquisition of title to Nebraska real estate by foreign corporations. In Re Estate of Robinson, 138 Neb. 101, 292 N.W. 48 (1940).

These distinctions in the regulation of domestic and foreign corporations, as set out in the general and constitutional laws of Nebraska, underscore the reason we believe that LB 130 is constitutionally suspect. Existing constitutional and general law, as outlined above, already regulates all Nebraska corporations, whether integrated or not. LB 130 attempts to change that general law in regard to a specific type of Nebraska corporation. Neither the state Constitution nor the Nebraska Business Corporation Act make any reference to separate legislative treatment of "integrated corporations." Therefore, it is our opinion that LB 130 would be regarded as special legislation in regard to the regulation of a domestic corporation, and in violation of Nebraska constitutional law.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

(Signed) Robert F. Bartle
Assistant Attorney General

RFB:ss
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 45
March 15, 1977

Dear Senator DeCamp:
Re: L.B. 466

In your February 23, 1977 letter you requested an opinion with respect to the constitutionality of the proposed amendments to L.B. 466. We understand the amendments have been drafted to overcome the serious constitutional questions concerning the original bill.

The language of the amendments is somewhat confusing as to the determination of weekly retirement benefits of totally disabled state employees. For purposes of this response we assume it is intended such an employee would receive such benefits as the contributions to his account would produce or the minimum determined by these amendments, whichever is greater. It further appears that those who are receiving benefits based on the minimum would receive increases as the average wage level increases while others would not. The provisions would apply to all such employees now retired or who retire in the future.

Article III, Section 19, of the Nebraska Constitution prohibits the Legislature from granting additional compensation to public officers and employees after the services have been performed but permits the

adjustment of retirement benefits for retired public officers and employees to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement.

It appears the above provision was intended to permit proportionate adjustments in retirement benefits to offset the effects of inflation. The Committee on Constitutional Revision of the Legislature said in its statement on L.B. 1414 proposing the amendment to Article III, Section 19, that:

> "LB 1414 would submit to the voters a constitutional amendment that would, if approved, permit the Legislature to adjust retirement benefits to retired public officers and employees periodically to reflect the changes that occur in the cost of living and wage levels being paid after an officer or employee retires. Because of inflation, retirement benefits that were intended to give an officer or employee a certain standard of living at the time he retired are no longer adequate for him to maintain that standard."

The proposed amendments to L.B. 466, however, would raise the minimum benefits for past service of some of the retired totally disabled state employees to twice the average wage in the state. Raising such benefits to twice the average wage would appear to increase benefits for past service beyond that which would be required to reflect changes in the cost of living or the wage level. In our opinion, this would be difficult to sustain against a constitutional challenge.

Another possible difficulty is whether the classification of employees who receive the increased benefits under the proposed amendments is class legislation in violation of Article III, Section 18, of the Nebraska Constitution. Whether the classification is reasonable depends on whether it rests on real differences in situation and circumstances of the class and whether the law operates uniformly on every member of the designated class. State v. Hall, 129 Neb. 669, 262 N.W. 835; U. S. Cold Storage Corp. v. Stolinski, 168 Neb. 513, 96 N.W.2d 408. In this situation it is questionable whether the classification could be sustained.

It may be difficult to show a reasonable basis for increasing benefits to state employees who retired as a result of disability but not those who retired at normal retirement age. It may be equally difficult to find a reasonable basis for increasing benefits to some of the totally disabled retired state employees but not those whose benefits exceed the minimum, particularly since the exception in Article III, Section 19, of the Constitution authorizes adjustments in retirement benefits retroactively only to reflect changes in the cost of living and wage levels. All retired employees would suffer the ravages of inflation and any distinction among them in granting these special benefits must be based on some reasonable distinction.

In conclusion, we believe L.B. 466 as proposed to be amended is

constitutionally suspect and we would experience considerable difficulty sustaining its validity against a challenge in court.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) John R. Thompson
Assistant Attorney General
Claims Division

JRT:saa
cc: Vincent Brown
Clerk of the Legislature

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 486. Placed on General File.

(Signed) F. Lewis, Chairman

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee's hearings for the week of March 21st, 1977 will be held in Room 2414, Supreme Court Hearing Room.

UNANIMOUS CONSENT–Bracket LB 100

Mr. R. Lewis asked unanimous consent to bracket LB 100 on General File until March 28, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Print Amendment to LB 21

Mr. Savage asked unanimous consent to print the following amendment to LB 21 in the Journal. No objections. So ordered.

Amendment to LB 21

1. On page 4, line 26, after "boats" insert "except that for rubber rafts, canoes irrespective of length, and other vessels less than twelve feet in length, the fee shall be nine dollars''.

RESOLUTIONS

LEGISLATIVE RESOLUTION 34.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Kelly, 35th District; Moylan, 6th District; Merz, 1st District; R. Lewis, 38th District; Boughn, 21st District; Mills, 44th District; Swigart, 8th District.

WHEREAS, the energy management 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 entities and problems related thereto as an aid to the enactment of possible legislation; and

WHEREAS, seasonal demands for electricity to drive irrigation equipment have greatly increased in the last ten years, placing large seasonal loads on Nebraska's electrical power entities; and

WHEREAS, conflicts are occuring among and between public power entities in Nebraska, including generators, transmitters, wholesalers, retailers, suppliers, distributors, public power districts, rural power districts and municipalities; and

WHEREAS, the costs for generation, transmission and distribution of electricity are constantly escalating; and

WHEREAS, disagreements and problems have developed between electrical wholesalers and retailers in regard to service contracts; and

WHEREAS, territorial disputes have again erupted between and among electrical distributors and retailers in Nebraska; and

WHEREAS, the Legislature has the responsibility to ultimately see that the public power entities provide the citizens of the State of Nebraska with an efficient and economical power supply; and

WHEREAS, recent activities of several public power entities indicate that joint long-range planning is of utmost importance to electric power users; and

WHEREAS, some irrigators are required to wait ten years to have an electrical pump hooked up; and

WHEREAS, electric power is the basis of our employment and our economy; and

WHEREAS, Nebraska's public power entities make individual decisions, the effect or results of which may not be in the best public interest of Nebraska.

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

1. That the Public Works Committee of the Legislature shall study various responsibilities of the public power entities.

2. That this study include an analysis of rate charges and the formula used to compute such rates.

3. That this study also include an examination of continued ratchet charges, irrigation allowances, and the related formula for setting those charges; and also, the feasibility of alternate methods.

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 the committee study existing sources of electricity on a state and regional level.

8. That the committee study the lines of authority and organization for providing power in this state.

9. That procedures and the authority of Nebraska public power entities to extend public credit to private industry be investigated.

10. That the mission, authority, and performance of Nebraska Public Power Review Board be reviewed.

11. That the mission, authority, and performance of all public power entities be examined.

12. That the advisability of a continuing role of the Legislature in the coordination of public power be considered.

13. That all actual and proposed contractual agreements and compacts of all public power entities be studied. This study shall include local, statewide, regional, national and international agreements.

14. That the committee shall make progress reports to the Legislature, Governor and the public power entities.

15. 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 Executive Board.

ADJOURNMENT

Speaker Luedtke moved to adjourn until 9:00 a.m., Monday, March 21, 1977. The motion lost.

Mr. Carsten moved to adjourn until 10:00 a.m., Monday, March 21, 1977. The motion prevailed with 20 ayes, 12 nays, and 17 not voting.

At 11:45 a.m., the Legislature adjourned until 10:00 a.m., Monday, March 21, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-SEVENTH DAY–MARCH 21, 1977

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY—MARCH 21, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 21, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The members stood for a moment of silence in memory of Sen. DeCamp's mother and Sen. Carsten's mother-in-law.
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 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. Carsten and Warner who were excused; and Messrs. George, F. Lewis, and Schmit who were excused until they arrive; and Messrs. Burrows and Stoney who were absent until 10:30 a.m. and Mr. Chambers who was absent until 11:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Sixth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Carsten asked unanimous consent to be excused until Thursday, March 24, 1977. No objections. So ordered.

Mr. Cope asked unanimous consent to be excused at 11:00 a.m. for the remainder of the morning. No objections. So ordered.

Mr. Warner asked unanimous consent for the Appropriation Committee to be excused this afternoon. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 311. Placed on Select File.
LEGISLATIVE BILL 311A. Placed on Select File.

LEGISLATIVE BILL 312. Placed on Select File as amended.
E & R amendments to LB 312:

1. In committee amendments, line 4, strike "mine" and insert "mind" as in the statutes.

2. On page 3, line 21, insert "the" after "of".

3. On page 4, lines 1, 3, and 5, strike "home" and insert "~~home~~ center".

4. On page 5, line 17, insert "the" after "beyond".

5. In the title, line 9, insert "and harmonize" after "clarify"; in line 12 strike "and"; and in line 15 insert "; and to declare an emergency" after "1943".

LEGISLATIVE BILL 245. Placed on Select File as amended.
E & R amendments to LB 245:

1. On page 2, line 10, strike the comma and show as stricken; in line 20 strike the comma; in line 23 insert "of" after "refund", strike "of" and insert "for", and strike "taxes" and insert "tax"; and in line 26 strike "taxes were" and insert "tax was".

2. On page 3, line 20, strike "in that event" and show stricken; and in line 23 strike the commas and show stricken.

3. In the title, line 6, insert "to allow a refund or credit in certain cases;".

LEGISLATIVE BILL 317. Placed on Select File.
LEGISLATIVE BILL 474. Placed on Select File.
LEGISLATIVE BILL 283. Placed on Select File.

LEGISLATIVE BILL 365. Placed on Select File as amended.
E & R amendments to LB 365:

1. In committee amendments, page 1, line 6, strike "sections 2, 3, and" and insert "section 2, 3, or".

2. In committee amendments, page 2, line 21, strike the period.

3. In committee amendments, page 3, lines 2 and 12, insert "state" after "any"; in line 6 strike "a" and insert "any state"; in line 7, insert "the" after "for"; in line 9 strike "such" and insert

"the", insert "thereof" after "members", and insert "entitled to be" at the end of the line; in line 14 strike the first "of" and insert "under"; and in line 15 strike "reimbursement" and insert "be reimbursed".

4. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend section 84-306.01, Reissue Revised Statutes of Nebraska, 1943, relating to reimbursement for expenses; to provide for reimbursement of expenses for members of any state commission, council, agency, or board; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 353. Placed on Select File as amended.
E & R amendments to LB 353:

1. In committee amendments, page 2, line 21, insert "in" after "and".

2. In committee amendments, page 4, line 22, strike "has placed" and insert "places"; and in line 25 strike ", is" and insert "shall be".

3. In committee amendments, page 5, line 3, strike ", is" and insert "shall be"; in lines 3 and 7 strike "State"; and in line 11 insert "be" after "or".

4. In the title, strike lines 2 to 10 and insert:

"FOR AN ACT to amend sections 77-3001, 77-3004, 77-3007, and 77-3009, Reissue Revised Statutes of Nebraska, 1943, relating to the Mechanical Amusement Device Tax Act; to redefine a term; to increase the tax; to change enforcement provisions; to provide a penalty and for forfeitures; and to repeal the original sections.".

LEGISLATIVE BILL 355. Placed on Select File.

LEGISLATIVE BILL 362. Placed on Select File as amended.
E & R amendment to LB 362:

1. On page 2, line 16, insert ", except as provided in subsection (2), (3), (4), or (5) of this section," after "that".

LEGISLATIVE BILL 473. Placed on Select File.

LEGISLATIVE BILL 419. Placed on Select File as amended.
E & R amendment to LB 419:

1. On page 3, line 22, and page 4, line 2, strike "to exceed" and insert "exceeding" and insert "gross weight" after "tons".

LEGISLATIVE BILL 421. Placed on Select File as amended.
E & R amendments to LB 421:
1. On page 2, line 6, strike "material" and insert "chemical".
2. In the title, line 5, strike "material" and insert "chemicals".

LEGISLATIVE BILL 363. Placed on Select File as amended.
E & R amendments to LB 363:
1. On page 2, line 11, strike "such" and insert "~~such~~ any"; insert an underscored period after "annually" in line 16 and strike the rest of the sentence and show as stricken; and in line 22 strike "where".
2. On page 3, line 1, strike the first comma.
3. In the title, line 6, insert "to provide for conveyance in certain cases;" after the semicolon.

LEGISLATIVE BILL 480. Placed on Select File as amended.
E & R amendment to LB 480:
1. In the title, line 4, strike "define" and insert "clarify".

LEGISLATIVE BILL 481. Placed on Select File.

LEGISLATIVE BILL 459. Placed on Select File as amended.
E & R amendments to LB 459:
1. On page 6, line 1, strike "such" and insert "its"; in line 17 strike "these" and insert "such"; and in line 21 insert "this section" after "but".
2. On page 13, line 11, strike "such"; and in line 15 insert "resulting from studies" after "proposal".
3. On page 14, line 2, insert "that" after "so"; and in line 16 insert "or before" after "on" and insert an underscored comma after "1978".
4. In the title, strike line 12 and insert "sections 79-2637, 79-2644, 79-2651, 79-2652,"; in line 15 insert "79-2642 and" after the second "sections"; and in line 16 strike "79-2659" and insert "79-2661".

LEGISLATIVE BILL 459A. Placed on Select File.

LEGISLATIVE BILL 462. Placed on Select File as amended.
E & R amendments to LB 462:
1. On page 2, strike beginning with "hearing" in line 16 through "repeal" in line 17 and insert "public hearing on the question of adopting, amending, or repealing".
2. In the Duis amendment 1, line 2, strike "Section" and insert "Sec."; and in line 4 insert "section

2 of" after "of".

3. In the title, strike lines 6 and 7 and insert "provide duties and powers of the Revisor of Regulations; and".

LEGISLATIVE BILL 111. Placed on Select File as amended.
E & R amendment to LB 111:

1. On page 2, line 2, insert "the presiding judge of the" after "and"; and in line 4 strike the first comma and insert a comma after "shall".

Correctly Engrossed

The following bills were correctly engrossed: 176, 230, and 230A.

Correctly Enrolled

The following bills were correctly enrolled: 88, 125, and 267.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 88, 125, and 267.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 507. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print Amendment to LB 481

Mr. Simon asked unanimous consent to print the following amendment to LB 481 in the Journal. No objections. So ordered.

Amendment to LB 481

1. On page 3, line 4, after the period, insert "In any county having a population of more than three hundred thousand inhabitants, a minimum of one member of said board of trustees shall be a resident of the county and shall reside outside the corporate limits of the city in which such facility or facilities are located.".

SPEAKER LUEDTKE PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 58.

A BILL FOR AN ACT to amend section 9-404, Uniform Commercial Code, relating to secured transactions; to increase the fee for filing and indexing a termination statement; 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	Boughn	Brennan	Clark	Cope
Cullan	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Simon	Swigart	Venditte		

Voting in the negative, 2:

Barnett DeCamp

Present and not voting, 1:

Savage

Absent and not voting, 3:

Burrows Chambers Stoney

Excused and not voting, 5:

Carsten George F. Lewis Schmit Warner

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

LEGISLATIVE BILL 152.

A BILL FOR AN ACT to amend section 19-2904, Reissue Revised Statutes of Nebraska, 1943, and section 19-2903, Revised Statutes Supplement, 1976, relating to municipal audits; to provide for cash basis and accrual basis accounting as prescribed; to revise the requirements regarding the contents of audits; 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	Boughn	Brennan	Clark
Cope	Cullan	DeCamp	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Swigart

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Absent and not voting, 3:

Burrows	Chambers	Stoney

Excused and not voting, 5:

Carsten	George	F. Lewis	Schmit	Warner

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 sections 16-238 and 17-121, Reissue Revised Statutes of Nebraska, 1943, relating to boards of health; to remove physician residency requirements for board of health membership; 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	Boughn	Clark	Cope
Cullan	DeCamp	Duis	Dworak	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Swigart		

Voting in the negative, 0.

Present and not voting, 3:

Brennan	Simon	Venditte

Absent and not voting, 3:

Burrows	Chambers	Stoney

Excused and not voting, 5:

Carsten	George	F. Lewis	Schmit	Warner

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

LEGISLATIVE BILL 203. With Emergency.

A BILL FOR AN ACT to amend sections 19-615 and 19-617, Reissue Revised Statutes of Nebraska, 1943, relating to city manager plan; to harmonize provisions; to provide when the terms of mayor shall end; 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	Boughn	Brennan	Clark
Cope	Cullan	DeCamp	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner

Kahle	Kelly	Keyes	Koch	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Swigart

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Absent and not voting, 3:

Burrows	Chambers	Stoney

Excused and not voting, 5:

Carsten	George	F. Lewis	Schmit	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 265.

A BILL FOR AN ACT relating to bonds of the state and of political subdivisions; to provide for use of facsimile signatures and seals with respect to the issuance of bonds, interest coupons, and other evidence of indebtedness; to provide for payment of certain expenses incurred in the issuance and sale of bonds, notes, or other evidence of indebtedness; to amend section 10-706, 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, 39:

Barnett	Bereuter	Boughn	Brennan	Clark
Cope	Cullan	DeCamp	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Labedz	Lamb	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Swigart	

Voting in the negative, 1:

R. Lewis

Present and not voting, 1:

Venditte

Absent and not voting, 3:

Burrows Chambers Stoney

Excused and not voting, 5:

Carsten George F. Lewis Schmit Warner

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

LEGISLATIVE BILL 275.

A BILL FOR AN ACT to amend sections 48-121 and 48-122, Revised Statutes Supplement, 1976, relating to workmen's compensation; to increase the maximum rate of compensation; 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, 28:

Barnett	Bereuter	Boughn	Brennan	Burrows
Clark	Cullan	Fitzgerald	Fowler	Goodrich
Kelly	Keyes	Koch	Labedz	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Moylan	Newell	Reutzel	Rumery	Savage
Simon	Swigart	Venditte		

Voting in the negative, 15:

Cope	DeCamp	Duis	Dworak	Hasebroock
Hefner	Kahle	Kremer	Lamb	R. Lewis
Mills	Murphy	Nichol	Rasmussen	Stoney

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Carsten	George	F. Lewis	Schmit	Warner

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

LEGISLATIVE BILL 275A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 275, Eighty-fifth Legislature, First Session, 1977.

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

The Chair ruled LB 275A will take 30 voted to pass.

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Brennan	Burrows
Clark	Cullan	Fitzgerald	Fowler	Goodrich
Kelly	Keyes	Koch	Labedz	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Newell	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Venditte

Voting in the negative, 14:

Cope	DeCamp	Duis	Dworak	Hasebroock
Hefner	Kahle	Kremer	Lamb	R. Lewis
Murphy	Nichol	Rasmussen	Stoney	

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Carsten	George	F. Lewis	Warner

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

LEGISLATIVE BILL 304.

A BILL FOR AN ACT to amend section 23-1723, Reissue Revised Statutes of Nebraska, 1943, relating to county government; to specify membership for sheriff's office merit commissions for 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, 42:

Barnett	Bereuter	Boughn	Brennan	Burrows
Clark	Cope	Cullan	Duis	Dworak
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 1:

Marvel

Present and not voting, 1:

DeCamp

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Carsten	George	F. Lewis	Warner

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

LEGISLATIVE BILL 307.

A BILL FOR AN ACT to amend section 71-1630.01, Reissue Revised Statutes of Nebraska, 1943, relating to public health; to change the membership on a city-county health department; 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	Boughn	Brennan	Burrows
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	

Voting in the negative, 0.

Absent and not voting, 1:

Chambers

Excused and not voting, 4:

Carsten	George	F. Lewis	Warner

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

LEGISLATIVE BILL 334.

A BILL FOR AN ACT to amend section 44-341, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an annual expiration date for nonresident agents' licenses; to permit the Director of Insurance to enter into reciprocal agent licensing agreements; 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	Bereuter	Boughn	Clark	Cope
Cullan	DeCamp	Duis	Dworak	Fowler
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Maxey	Merz

Mills	Moylan	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 5:

Brennan	Fitzgerald	R. Lewis	Marvel	Rasmussen

Present and not voting, 4:

Burrows	Marsh	Murphy	Venditte

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Carsten	George	Warner

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

LEGISLATIVE BILL 335.

A BILL FOR AN ACT to amend section 44-333.01, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to provide an additional exemption from the requirement of licensure examination; 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	Boughn	Clark	Cope
Cullan	DeCamp	Duis	Dworak	Fowler
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	

Voting in the negative, 3:

Brennan	Fitzgerald	Marvel

Present and not voting, 3:

Burrows Merz Newell

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Carsten George Warner

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

LEGISLATIVE BILL 336.

A BILL FOR AN ACT relating to insurance; to provide for the licensing of nonresident brokers; to provide an annual expiration date for nonresident brokers' licenses; to permit reciprocal broker licensing agreements; to provide for service of summons; and to prohibit brokerage of certain lines.

Whereupon the 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:

Barnett	Bereuter	Boughn	Clark	Cope
Cullan	DeCamp	Duis	Dworak	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
R. Lewis	Luedtke	Marsh	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Reutzel	Rumery	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 8:

Brennan	Fitzgerald	Lamb	F. Lewis	Maresh
Marvel	Rasmussen	Savage		

Present and not voting, 1:

Burrows

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Carsten Warner

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

LEGISLATIVE BILL 487.

A BILL FOR AN ACT to amend sections 79-451 and 79-1304, Reissue Revised Statutes of Nebraska, 1943, relating to schools; to clarify census reporting and apportionment of school fund 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, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte

Voting in the negative, 0.

Present and not voting, 1:

Maresh

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Carsten Warner

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

EXPLANATION OF VOTES

Had I been present when the following bills were read on Final Reading, I would have voted "Aye" on LB's 58, 152, 190, 203e, and 265.

(Signed) Larry D. Stoney

Being absent during final reading this morning, I wish my vote recorded Yes on the following bills – L.B 190, L.B. 203e, L.B. 265, L.B. 334.

(Signed) Patrick Venditte

Had I been present, I would have voted Aye on LB 58.

(Signed) John S. Savage

MOTION—Rule Change

Mr. DeCamp offered the following rule change:
Rule 6 Section 12

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

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

Referred to the Rules Committee.

ANNOUNCEMENT

Mr. Schmit announced the Nebraska Cow Belles are serving refreshments in the rotunda in honor of "Farm Appreciation Day."

PRESIDENT WHELAN PRESIDING

ATTORNEY GENERAL'S OPINION

Opinion No. 44
March 16, 1977

Dear Senator Keyes:

In your letter of March 9, 1977, you ask our opinion as to whether or not an industrial loan and investment company can be chartered to be located outside the confines of a city or village. Your inquiry is triggered by section 8-403.02, R.R.S. 1943, which specifies the required paid-up capital stock for such a company. This section provides that such capital for such a company shall be not less than $50,000.00 in cities and villages having less than 2500 inhabitants, with increasing amounts in various sized larger municipalities. You have informed us that if we construe the statute to require industrial loan and investment companies to be located in municipalites, (sic) you intend to offer an amendment to a pending bill, to correct the situation.

In failing to make provision for the amount of capital for a corporation not located in any city of village, the statute makes possible an argument that the corporation must be located in a city or village. We do not, however, believe this conclusion is required, and are of the opinion that the history of the entire act fails to disclose a legislative intention for such a requirement. We are inclined to take the view that no such requirement is intended, because no readily apparent reason occurs to us why such a corporationshould be located inside the boundaries of a municipality. Were the court to conclude that no valid reason exists, such a requirement might be held to be unreasonable classification. We avoid such constructions, if possible.

The Industrial Loan and Investment Act was adopted in 1941. Sections 8-403 and 8-403.01 provide for the procedure for applying for a charter, and the findings which must be made by the Department of Banking before a charter may be granted. Neither of these sections, nor any other section of the act except section 8-403.02, contain any hint that the corporation must be located in any municipality. Section 8-403.02 was not a part of the original act, but was adopted in 1959.

It is therefore clear that from 1941 until 1959 nothing in the law suggested that an industrial loan and investment company could not be located anywhere in the state, subject to the approval of the Department of Banking. Section 8-403.02 was a part of LB 284, passed in 1959. Nothing in the title or the body of LB 284, except section 8-402.02, even hinted that the bill was intended to limit the permissible locations of such corporations. Had the Legislature intended to change existing law in such a way, we would expect it to do so in a straightforward, unambiguous way, instead of in a backhanded way by failing to provide for capitalization outside municipalties. (sic)

There is not much doubt that the Legislature assumed that such companies would be located in cities and villages, but we do not construe an assumption as a requirement. We believe, rather, that the question did not occur to the members of the Legislature, so they failed to provide for the eventuality.

This leaves us, of course, with the question of what capitalization is required of a corporation which is not located in any municipality.

Obviously, some amount must be required. To determine what that amount is necessarily requires, to a certain extent, that we, or the court, add language which was omitted by the Legislature. However, the lowest amout mentioned in the statutes is $50,000.00. We believe the court would say that the Legislature intended that no such corporation should be chartered with less capitalization than that. On the other hand, the higher requirements prescribed are not applicable, because the corporation will not be located in municipalities having the populations making such higher capitalization mandatory. We therefore conclude taht (sic) the $50,000.00 figure is the one applicable in this situation.

While we believe that the above discussion represents the conclusion a court would reach on this queston, this is not to say that a clarifying amendment would not be desirable. As we have indicated, the statute, as it now reads, leaves room for controversy.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:ss
cc: Mr. Vincent Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print Amendment to LB 210

Mr. Koch asked unanimous consent to print the following amendment to LB 210 in the Journal. No objections. So ordered.

Amendments to LB 210

1. Insert a new section to read as follows:

"Sec. 2. That section 139, Legislative Bill 987, Eighty-fourth Legislature, Second Session, 1976, be amended to read as follows:

Sec. 139. Sections 49-14,106 to 49-14,122 shall become operative on their effective date or as specified therein. The other sections of this act shall become operative on July 1, ~~1977~~ 1978.".

2. On page 4, line 11 after "section" insert "139, Legislative Bill 987, Eighty-fourth Legislature, Second Session, 1976, and section"; in line 12 strike "is" and insert "are".

3. Renumber original section 2 as section 3.

4. On page 4, 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.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 35.

Introduced by Koch, 12th District.

WHEREAS, the Nebraska Political Accountability and Disclosure Act was passed by the Nebraska Legislature in 1976; and

WHEREAS, there is being raised an increasing amount of concern over actual and potential conflicts within that act; and

WHEREAS, the Legislature has indicated that the intent of this act is the proper operation of democratic government; and

WHEREAS, both the act and the intent of the act are subject to great misinterpretation; and

WHEREAS, the Legislature should have the authority and the responsibility to specifically determine (1) which elected officials and other public officials and employees ought to be subject to the Nebraska Political Accountability and Disclosure Act, and (2) to what degree accountability and disclosure ought to attach to such individuals.

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

1. That the Executive Board of the Legislative Council conduct an interim study on the specific purposes for and ramifications of the Nebraska Political Accountability and Disclosure Act.

2. That the Executive Board of the Legislative Council submit a report of its study and findings, along with any recommendations for corrective legislation to rid the act of inconsistent, inappropriate, or unnecessary language thereby rendering the act more responsive to its declared intent.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Savage announced the Appropriations Committee will meet in Room 2414 at 1:30 p.m. instead of 2:00 p.m. today.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Venditte renewed his pending amendment (1) found in the Journal on page 891 to sub-section 4.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 10 nays, and 27 not voting.

The Venditte amendment (1) lost with 9 ayes, 16 nays, 21 present and not voting, and 3 excused and not voting.

Mr. Venditte renewed his pending amendment (2) found in the Journal on page 891 to sub-section 5.

Amendment pending.

ANNOUNCEMENT

Mr. Hasebroock announced the Nebraska Retirement Systems Committee hearing for Wednesday, March 23, 1977 will be changed from Room 1019 to Room 1113.

UNANIMOUS CONSENT – Member Excused

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENT

Mr. F. Lewis announced the Education Committee will hold an executive session under the North balcony upon adjournment today.

UNANIMOUS CONSENT – Print amendment to LB 210

Mr. Bereuter asked unanimous consent to print the following amendment to LB 210 in the Journal. No objections. So ordered.

Amend LB 210 by inserting the phrase "or municipality" after the word "county" on line 3 of page 4, and by deleting the phrase "land-use planning or" on line 8 of page 4.

UNANIMOUS CONSENT – Print amendment to LB 38

Mr. Barnett asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AMENDMENT TO LB 38 – ARTICLE VII

1. On page 118, line 22, strike "150" and insert "146".

2. On page 119, line 1 strike "III" and insert "IV"; and in line 7, strike "intentionally".

3. Strike original section 148.

4. On page 120, line 12 strike "may" and in line 12 strike "endanger" and insert "endangers"; in line 21 strike "III felony" and insert "I misdemeanor"; in line 26 strike "may"; and in line 26 strike "endanger" and insert "endangers".

5. On page 121, line 9 strike "III felony" and insert "I misdemeanor".
6. On page 122, line 14 strike "may" and strike "endanger" and insert "endangers".
7. On page 123, line 22 after "warranted" insert "because of alleged violations of sections 151 and 152 of this act".

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 158. Indefinitely postponed.

LEGISLATIVE BILL 274. Placed on General File as amended.
Standing Committee amendments to LB 274:
1. Insert a new section 1 as follows:
"Section 1. That section 19-3403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
19-3403. Cities of the primary, first, and second class in the state at present do not have sufficient funds to enable them to develop the public facilities located near their downtown office and business areas and to provide for adequate public parking within such areas. Sections 19-3401 to 19-3420 provide a means by which cities can raise the necessary funds to be used for the purposes of furnishing public parking facilities within such areas, the improvement, decoration, and development of such parking and public facilities, and the creation and implementation of a plan for such improvement, decoration and development.".
2. On page 2, after line 27, insert a new paragraph as follows:
"All fines collected for violation of off-street parking regulations shall be paid to the county school fund as provided in section 29-2708.".
3. On page 6, line 8, after "sections", insert "19-3403,".
4. Renumber original sections 1 to 3 as sections 2 to 4 respectively.

(Signed) Walter George, Chairman

UNANIMOUS CONSENT – Member Excused

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Venditte renewed his pending amendment (2) found in the Journal on page 891 to sub-section 5.

Mr. Venditte moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Venditte requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Chambers	Clark	Cullan	Fitzgerald	George
Goodrich	Hefner	Kahle	Kelly	Labedz
Lamb	R. Lewis	Maresh	Marvel	Maxey
Mills	Moylan	Murphy	Rasmussen	Reutzel
Savage	Stoney	Swigart	Venditte	

Voting in the negative, 12:

Barnett	Bereuter	Burrows	Fowler	Koch
Luedtke	Marsh	Merz	Newell	Nichol
Schmit	Simon			

Present and not voting, 4:

DeCamp	Duis	Keyes	F. Lewis

Absent and not voting, 4:

Boughn	Brennan	Kremer	Rumery

Excused and not voting, 5:

Carsten	Cope	Dworak	Hasebroock	Warner

The Venditte amendment (2) lost with 24 ayes, 12 nays, 4 present and not voting, 4 absent and not voting, and 5 excused and not voting.

VISITORS

The President introduced Mrs. Harry Cullan, mother of Senator Cullan, and Mrs. Campbell from Hemingford; members from Boy Scout Troop 570, Omaha, Nebr. Pius 10th; 35 seventh through ninth grade students and teachers from Waverly Jr. High School; and 18 Primary 3 students and teachers from Huntington grade school.

RECESS

At 12:11 p.m., on a motion by Speaker Luedkte, the Legislature recess until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:52 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Warner and the Appropriations Committee who were excused; and Mr. Chambers who was absent until 3:00 p.m.

UNANIMOUS CONSENT–Member Excused

Mr. Koch asked unanimous consent to be excused Tuesday, March 22, 1977 until he arrives. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 109. Mr. Barnett asked unanimous consent to withdraw his pending amendment found in the Journal on pages 832 and 833. No objections. So ordered.

Mr. Kelly renewed his pending amendment found in the Journal on page 908.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 14 nays, and 16 not voting.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Kelly moved for a Call of the House. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

Mr. Kelly moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Kelly amendment lost with 19 ayes, 19 nays, 1 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Mr. Mills offered the following amendment:

1. In the Duis amendment on page 892 of the Journal, line 2 strike "one-third" and insert "one".
2. In the committee amendment 1 page 387 of the Journal, line 3 strike "1982" and insert "1980".

Mr. Mills moved for a Call of the House. The motion prevailed with 17 ayes, 10 nays, and 22 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 19:

Barnett	Bereuter	Chambers	DeCamp	Dworak
Goodrich	Hasebroock	Koch	Kremer	Lamb
R. Lewis	Maresh	Maxey	Mills	Moylan
Murphy	Nichol	Rasmussen	Stoney	

Voting in the negative, 26:

Boughn	Brennan	Clark	Cope	Cullan
Duis	Fitzgerald	Fowler	George	Hefner
Kahle	Kelly	Keyes	Labedz	F. Lewis
Luedtke	Marsh	Marvel	Merz	Newell
Reutzel	Savage	Simon	Swigart	Venditte
Warner				

Present and not voting, 2:

Burrows Schmit

Excused and not voting, 2:

Carsten Rumery

The Mills amendment lost with 19 ayes, 26 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mrs. Marsh offered the following amendment:

Amendment to White Copy of LB 109

1. On page 9, strike section 21 and insert a new section 21 as follows:

"Sec. 21. The available funds collected pursuant to sections 1 to 25 of this act shall be credited to the General Fund."; and in line 21, strike "Nebraska Outdoor

Recreation Development Cash", and insert "General".
2. Strike section 23.
3. Renumber renumbered sections 24 to 29 as sections 23 to 28 respectively.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Marsh requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Bereuter	Boughn	Burrows	Chambers
DeCamp	Dworak	Kelly	Kremer	Lamb
R. Lewis	Maresh	Marsh	Marvel	Moylan
Murphy	Newell	Nichol	Stoney	Warner

Voting in the negative, 26:

Brennan	Clark	Cope	Cullan	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Labedz
F. Lewis	Luedtke	Merz	Mills	Rasmussen
Reutzel	Savage	Schmit	Simon	Swigart
Venditte				

Present and not voting, 1:

Maxey

Excused and not voting, 2:

Carsten Rumery

The Marsh amendment lost with 20 ayes, 26 nays, 1 present and not voting, and 2 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Savage moved to adjourn. The motion lost with 7 ayes, 30 nays, and 12 not voting.

Mr. George offered the following amendment:
Legislative Bill 109 (Amendments)

On page 4 in line 17 after the period insert "Except that expenditures may be authorized by the Legislature from the Nebraska Outdoor Recreation Development Cash Fund for the purposes of constructing a

Nebraska Heritage Center in compliance with a program statement adopted by the State Historical Society and the acquisition of properties near the Capitol and the erection of a parking structure thereon to replace state owned parking facilities lost by the construction of such Nebraska Heritage Center."

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 6 nays, and 24 not voting.

The George amendment was adopted with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Bereuter offered the following amendment:

I offer the Kelly amendment found on page 908 of the Legislative Journal except that the words "Appropriation's Committee" are substituted for the word "Legislature". Also in the fifth line of the Kelly amendment after the period following "plan", insert two new sentences as follows: "An updated version of such multi-year plan shall also be submitted to the committee annually for its modification and approval. The recommendations of the Constitutional Revision and Recreation Committee shall also be sought by the Appropriations Committee in its deliberations."

Mr. Keyes offered the following amendment to the Bereuter amendment:

Add: And the Revenue Committee

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Keyes amendment lost with 11 ayes, 18 nays, 11 present and not voting, and 9 excused and not voting.

The Bereuter amendment was adopted with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

Laid over temporarily.

MESSAGE FROM THE GOVERNOR

March 21, 1977

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

Dear Mr. President and Senators:

I return herewith LB 179 and its accompanying funding legislation, LB 179A, without my signature and with my objections.

Those objections include my pleadings with the Legislature in my budget address of February 10, 1977 when I specifically referred to measures such as this, and I quote: "I urge you to accept the fact now that you have only essentially $473 million to appropriate. You have the prerogative of changing my specific recommendations within that total, make reductions and additions, where you think best, as my recommendations are not considered infallible. But please, again I urge, accept the fact first that you have only that $473 million to spend. . . .There are areas that I also would have liked to recognize, but budget restraints dictated by priorities prevented that.

"I urge once again the (sic) the Legislature set up a proper display in this chamber that will show daily your maximum $473 million spending limit and reduce that amount accordingly each time you authorize expenditures. I recommend once again that all nonessential "A" bills be held in your appropriations committee to be brought forth by that committee with its final total recommendations so that you may have an accurate figure on total appropriations before you act."

Regardless of your good intentions, you have passed these bills without consideration as to the state's ability to meet these additional expenditures.

Your actions, if they become law, would require an additional $3.0 million in general funds, and an additional $3.5 million in Federal funds, for a total additional yearly increase of $6.5 million for ADC payments. Such changes in the ADC program will cause an additional increase of $.5 million in Medicaid expenditures. We are currently supplying $12.7 million in general funds and $14.9 million Federal funds for this program for a total of $27.5 million yearly. Your action would increase the total to $34.5 million.

In my budget message, I suggested an additional $1.2 million in general funds and $1.4 million in Federal funds to specifically assist those mothers and their totally dependent children most in need with a companion increase of $.3 million in the Medicaid program. This was within our budget restraints that I have referred to earlier.

I request that you sustain my veto and bring forth from your committee LB 496 for consideration by your body.

Until you forthrightly address yourselves to the issue of the $473 million spending limit to prevent tax increases, you leave me no choice but to reject your large increased spending proposals.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

UNANIMOUS CONSENT—Expedite LB 88

Speaker Luedtke asked unanimous consent to expedite LB 88. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 109. Mr. Swigart offered the following amendment:
Strike the Duis amendment found in the Journal on page 892 and to reinsert 1/4 instead of 1/3

MR. MARVEL PRESIDING

Mr. Swigart moved for a Call of the House. The motion lost with 10 ayes, 14 nays, and 25 not voting.

The Swigart amendment lost with 17 ayes, 12 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Simon offered the following amendment:
Amend LB 109 to have 1/2 of the revenue of the pop tax go to the general fund and 1/2 to go to the Game and Parks Dept.

Mr. Simon requested a roll call vote.

Voting in the affirmative, 14:

Burrows	Clark	DeCamp	Dworak	Kelly
Lamb	R. Lewis	Maresh	Marsh	Merz
Moylan	Murphy	Newell	Simon	

Voting in the negative, 22:

Barnett	Boughn	Brennan	Cullan	Duis
Fitzgerald	George	Hefner	Kahle	Koch
Kremer	Labedz	F. Lewis	Luedtke	Marvel
Mills	Nichol	Reutzel	Schmit	Stoney
Swigart	Venditte			

Present and not voting, 3:

Chambers	Keyes	Maxey

Excused and not voting, 10:

Bereuter	Carsten	Cope	Fowler	Goodrich
Hasebroock	Rasmussen	Rumery	Savage	Warner

The Simon amendment lost with 14 ayes, 22 nays, 3 present and not voting, and 10 excused and not voting.

Mrs. Marsh requested a machine vote on advancing LB 109.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

Mr. Reutzel requested a roll call vote on advancing LB 109.

Voting in the affirmative, 21:

Brennan	Clark	Cullan	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Keyes	Kremer	Labedz	F. Lewis	Luedtke
Merz	Mills	Reutzel	Savage	Schmit
Venditte				

Voting in the negative, 17:

Barnett	Bereuter	Boughn	Burrows	Cope
Dworak	Kelly	Koch	Lamb	R. Lewis
Maresh	Marsh	Marvel	Maxey	Moylan
Stoney	Warner			

Present and not voting, 8:

Chambers	DeCamp	Kahle	Murphy	Newell
Nichol	Simon	Swigart		

Excused and not voting, 3:

Carsten	Rasmussen	Rumery

Failed to advanced to E & R for Engrossment with 21 ayes, 17 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Hasebroock moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor March 21, 1977, at 3:55 p.m., was the following bill: 88.

(Signed) Barbara Jackson, Enrolling Clerk

ANNOUNCEMENT

Mr. Dworak announced an executive session of the Miscellaneous Subjects Committee Wednesday, March 23, 1977, at 8:15 a.m., in room 1019.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 140. Placed on General File as amended.
Standing Committee amendments to LB 140:

1. Reinstate the stricken matter on pages 3 and 4.
2. On page 3, reinstated line 9, strike "66", insert "~~66-~~39", strike "4" and insert "~~4-~~24".
3. On page 4, reinstated line 2, strike "66" and insert "~~66-~~39"; and in reinstated line 3, strike "4" and insert "~~4-~~24".
4. Insert a new section 2 as follows:

"Sec. 2. In addition to the penalties provided by section 77-303.01, the Tax Commissioner shall direct the Attorney General to file an action to obtain a writ of mandamus commanding the particular county official to do or not to do an act the performance or omission of which the law enjoins as a duty resulting from the office.".

(Signed) Orval Keyes, Chairman

Judiciary

LEGISLATIVE BILL 276. Placed on General File.
LEGISLATIVE BILL 436. Placed on General File.
LEGISLATIVE BILL 330. Indefinitely postponed.
LEGISLATIVE BILL 418. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

Education

LEGISLATIVE BILL 430. Placed on General File.
LEGISLATIVE BILL 488. Indefinitely postponed.

(Signed) F. Lewis, Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 345. Placed on General File.
LEGISLATIVE BILL 467. Placed on General File.
LEGISLATIVE BILL 466. Indefinitely postponed.

(Signed) W. H. Hasebroock, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

March 21, 1977

Voting Record for Nebraska Accountability and Disclosure Commission.

Motion made to not recommend confirmation of Senator Terry Carpenter to the Nebraska Accountability and Disclosure Commission.

Voting in Favor: (7) Senators Cope, Koch, Marsh, Mills, Murphy, Rasmussen, and Savage; Opposed: None. Not Voting: (4) Senators DeCamp, Dworak, F. Lewis, and Moylan. Excused: (2) Senators Burrows, and Labedz.

Motion Carried.

Motion made to recommend confirmation of JoAnn S. Kimball, 1230 Fall Creek Road, Lincoln, Nebraska.

Voting in Favor: (7) Senators Cope, Koch, Marsh, Moylan, Rasmussen, Savage, and Murphy. Opposed: (1) Senator Mills. Not Voting: (2) Senators DeCamp and Dworak. Excused: (3) Senators Burrows, Labedz, and F. Lewis.

Motion Carried.

Motion made to recommend confirmation of Mimi Waldbaum, 1237 South 91st Avenue, Omaha, Nebraska.

Voting in Favor: (7) Senators Cope, Koch, Marsh, Moylan, Murphy, Rasmussen and Savage. Opposed: (1) Senator Mills. Not Voting: (1) Senator DeCamp. Excused: (4) Senators Burrows, Dworak, F. Lewis, and Labedz.

Motion carried.

Motion made to recommend confirmation of James M. Davis, 11634 Camden Street, Omaha, Nebraska.

Voting in Favor: (5) Senators Cope, Koch, Marsh, Moylan, and Savage. Opposed: (3) Senators Mills, Murphy, and Rasmussen. Not Voting: (1) Senator DeCamp. Excused: (4) Senators Burrows, Dworak, Labedz and F. Lewis.

Motion failed.

Motion made to recommend confirmation of Ralph Slocum, 3900 Sheridan Boulevard, Lincoln, Nebraska.

Voting in Favor: (6) Senators Cope, Koch, Marsh, Moylan, Rasmussen and Savage. Opposed: (2) Senators Mills and Murphy. Not Voting: (1) Senator DeCamp. Excused: (4) Senators Burrows, Dworak, Labedz, and F. Lewis.

Motion failed.

Motion made to recommend confirmation of Lola Jean Staley, 1108 Mason Plaza, Omaha, Nebraska.

Voting in Favor: (7) Senators Cope, Koch, Marsh, Moylan, Rasmussen, Savage, and Murphy. Opposed: (1) Senator Mills. Not Voting: (1) Senator DeCamp. Excused: (4) Senators Burrows, Dworak, Labedz, and F. Lewis.

Motion carried.

Hearing of March 18, 1977

The Committee on Committees desires to report 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. James Thayer – Nebraska Arts Council.

No one appeared in behalf of Dr. Thayer. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Norris Leamer – Nebraska Coordinating Commission for Post Secondary Education

Senator Murphy appeared in support of Mr. Leamer. Senator Marsh appeared in support of Mr. Leamer. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Wendell W. Wood – Nebraska Coordinating Commission for Post Secondary Education

Senators Cope, Mills and Rumery appeared in support of Mr. Wood's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Tom Doyle – Code of Ethics Board

Senators Savage, Moylan, Koch and Mills appeared in support of Mr. Doyle's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Roy E. Gardner – Code of Ethics Board

No one appeared in support of Mr. Gardner. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Charles Broderson – Code of Ethics Board

No one appeared in support of Mr. Broderson. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Mrs. Joan Nelson – Nebraska Arts Council

Senators Marsh and Kremer appeared in support of Mrs. Nelson's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

Mr. James W. McBride
Board of Educational Lands and Funds

Senator Kremer appeared in support of Mr. McBride. No one appeared in opposition.

Committee Vote: For: (8) Senators Cope, Koch, Marsh, Mills, Moylan, Murphy, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (5) Senators Burrows, DeCamp, Dworak, Labedz, and F. Lewis.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Barnett asked unanimous consent to print the following amendments to LB 21 in the Journal.

Amendment to LB 21

1. On page 4, line 18 after "Sec.14." insert "(1)"; line 26 after "boats," insert "except that for rubber rafts, canoes regardless of length, kayaks, and other vessels less than twelve feet in length the fee shall be nine dollars,".

2. On page 5, after line 1 insert the following:

"(2) For commercial outfitters of nonmotorized vessels, including but not limited to canoes, kayaks, and rowboars, the fee shall be seventy-five dollars for the three-year period regardless of the number of such nonmotorized vessels owned by such commercial outfitter and used for hire or for rent." *

Mr. Burrows asked unanimous consent to print the following amendments to LB 38 in the Journal.

Amendment to LB 38

Amend LB 38 on page 38 line 2 strike the word growing and one comma.

Mr. DeCamp asked unanimous consent to print the following amendments to LB 257 in the Journal.

Amendments to LB 257

1. On page 2, line 12 of the DeCamp amendments, after the period, insert "The evaluation of each agency shall be placed on a priority schedule determined by the committee to which it is assigned.".

Amendments to LB 257

1. Strike sections 1 to 9, 11, and 14 and insert five new sections as follows:

"Section 1. The Legislature finds that:

(1) The state's present organizational structure is complex, with numerous similar or allied functions interwoven throughout several offices, departments, divisions, agencies, boards, and commissions;

(2) Effective and economical state government is often disregarded or relegated to a secondary position because of increasing demand by citizens for more and better governmental services and public assistance;

(3) There is a division of public opinion as to whether or not the current scope, rate of growth, and unprecedented expenditure for government is justified; and

(4) In order to improve the effectiveness of government without curtailing necessary services required by the public, the programs and operations of state government must be carefully examined, analyzed, and evaluated to insure competence, economy, and accountability.

Sec. 2. Commencing July 1, 1977, the Executive Board of the Legislative Council shall be responsible for establishing a procedure whereby the programs, operations, and organizational structure of each agency of the state shall be reviewed, analyzed, and evaluated by the standing committees of the Legislature prior to July 1, 1984.

Sec. 3. The Executive Board of the Legislative Council shall assign to the various standing committees of the Legislature, except the Appropriations Committee, those agencies which are within each committee's general subject area and jurisdiction. Each committee shall undertake a complete and systematic review of those agencies assigned to it by the board as part of its interim assignment for the next seven years. For the purposes of this act, agency shall mean any department, division, office, commission, board, or any other unit or body, however designated, of the state government.

Sec. 4. Each standing committee in reviewing

the functions performed and services provided by agencies assigned to them by the Executive Board of the Legislative Council shall:

(1) Gather data which accurately reflects the services provided by such agencies;

(2) Examine, analyze, and evaluate the data gathered pursuant to subdivision (1) of this section by:

(a) Identifying major programs and related costs;

(b) Determining program relationships and dependencies;

(c) Isolating duplicate or redundant programs;

(d) Examining management practices and administrative effectiveness; and

(e) Holding hearings and conducting interviews to allow for both agency and citizen input, reactions, and expectations relative to the functions and services provided by the various agencies; and

(3) On or before January 1, 1984 document its findings and recommednations in the form of a report to be submitted to the board. Such report shall place special emphasis on simplifying and condensing administrative powers and duties for the purpose of eliminating duplication and providing greater efficiency in government. Each standing committee shall include in its report proposed legislation to implement its findings and recommendations.

Sec. 5. Commencing July 1, 1984, the powers, duties, and responsibilities of each agency of the State of Nebraska, other than those agencies created by the Constitution, shall expire, unless the services, functions, and programs provided by such agency shall have been approved by the Legislature prior to such date.".

2. On page 6, line 24 after "The" insert "Executive Board of the"; and strike beginning with "scheduled" in line 26 through "act" in line 27.

3. On page 7, strike beginning with "in" in line 1 through "commission" in line 3.

4. Renumber original sections 10, 12, and 13 as sections 6, 7, and 8 respectively.

5. Insert a new section 9 as follows:

"Sec. 9. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 36.

Introduced by Schmit, 23rd District.

WHEREAS, Blanche DeCamp was a Nebraska resident for more than 50 years; and

WHEREAS, Mrs. DeCamp struggled with many adversities in her devoted efforts to assure her five sons and two daughters a loving home and proper education; and

WHEREAS, she took great pride in the reflected successes of her children which included one son's election as a member of the Nebraska Legislature and two sons proclaimed as Outstanding Young Men of America by the National Chamber of Commerce; and

WHEREAS, Blanche DeCamp spent her last hours in the dawning of Spring which was her favorite time of the year.

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

1. That the members of the Legislature express their sympathy to the family of Blanche DeCamp.

2. That a copy of this resolution be presented to her son, State Senator John DeCamp, on behalf of his family as a tangible symbol of the best wishes for the DeCamp family by the Nebraska Legislature.

Mr. Schmit moved to suspend Rule 4, Sec. 6 to consider LR 36 today. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

LR 36 was adopted with 30 ayes, 0 nays, and 19 not voting.

LEGISLATIVE RESOLUTION 37.

Introduced by Speaker Luedtke, 28th District.

WHEREAS, Martha Ruge was a citizen of Nebraska since her birth on August 23, 1890; and

WHEREAS, Mrs. Ruge was a homemaker and active participant in the rural life of Avoca, Nebraska; and

WHEREAS, she contributed to the well-being of her community through membership in her local extension club and church organization; and

WHEREAS, Martha Ruge passed from this life on March 20, 1977.

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

1. That the Legislature extend its sympathy to the survivors of Martha Ruge and that a copy of this resolution be presented to her daughter, Mrs. Calvin (Ruth) Carsten on behalf of her family.

Speaker Luedtke moved to suspend Rule 4, Sec. 6 to consider LR 37 today. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

LR 37 was adopted with 32 ayes, 0 nays, and 17 not voting.

LEGISLATIVE RESOLUTION 38.

Introduced by Stoney, 4th District and Brennan, 9th District.

WHEREAS, illegal aliens are members of the labor force of several states in the Great Plains; and

WHEREAS, a growing number of these aliens may seek to join the Nebraska labor force as employment opportunities in neighboring states dwindle; and

WHEREAS, such persons contribute little to the economic health of Nebraska by sending most of their earnings out of the United States and returning very little in taxes or consumer spending to local economies; and

WHEREAS, other states such as Kansas have enacted legislation to prohibit hiring of illegal aliens.

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

1. That the Legislature's Committee on Business and Labor perform an interim study to determine the feasibility and desirability of establishing a state prohibition against knowingly hiring an illegal alien.

2. That the committee shall examine and consider such laws as they exist in other states as a reference for developing any proposed legislative changes.

3. That the committee 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.

LEGISLATIVE RESOLUTION 39.

Introduced by R. Lewis, 38th District; Mills, 44th District, and Fowler, 27th District.

WHEREAS, petroleum heating fuels are in short supply and known reserves are rapidly diminishing; and

WHEREAS, alternative energy research and development should coincide with energy conservation measures; and

WHEREAS, use of solar energy to heat domestic hot water can be cost effective; and

WHEREAS, the development of domestic hot water solar systems may lead to cost effective solar space heating; and

WHEREAS, the State of Nebraska cannot afford to wait for federal initiatives in alternative energy development.

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

1. That the Legislature encourage all state officials responsible for public buildings to review their existing or planned domestic hot water systems to ascertain the feasibility of using alternative energy sources and report their findings to the Governor and the Legislature.

2. That the special Energy Task Force of the Legislature investigate these findings and prepare for consideration any legislation necessary to cause cost effective alternative energy use.

Laid over.

MOTION – Override Veto on LB 179

Mr. Chambers moved that LB 179 be passed notwithstanding the objections of the Governor.

Motion pending.

MOTION – Override Veto on LB 179A

Mr. Chambers moved that LB 179A be passed notwithstanding the objections of the Governor.

Motion pending.

UNANIMOUS CONSENT – Bracket LB 109, 109A

Mr. Barnett asked unanimous consent to bracket LB 109 and LB 109A on Select File until Thursday, March 24, 1977. No objections. So ordered.

UNANIMOUS CONSENT – Withdraw Amendment to LB 109

Mr. DeCamp asked unanimous consent to withdraw his pending amendment to LB 109 found in the Journal on page 833. No objections. So ordered.

UNANIMOUS CONSENT – Bracket LB99

Mr. F. Lewis asked unanimous consent to bracket LB 99 on General File until Monday, April 18, 1977. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 81. Mr. Reutzel asked unanimous consent to bracket until April 6, 1977. No objections. So ordered.

LEGISLATIVE BILL 81A. Mr. Reutzel asked unanimous consent to bracket until April 6, 1977. No objections. So ordered.

ADJOURNMENT

At 4:32 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, March 22, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-EIGHTH DAY—MARCH 22, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 22, 1977

Pursuant to adjournment, the Legislature met at 9:02 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 Mr. Carsten who was excused; and Messrs. Koch and F. Lewis who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 957, line 8, delete "Mr." and insert "Mrs.".
The Journal for the Forty-Seventh Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 21, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 83, 103, 137, 138, 138A, 199, 205, 218, 266, 332, and 364.

These bills were signed by me on March 21, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendment to LB 273:

1. In the title, strike beginning with "to" in line 4 through the semicolon in line 7 and insert "to provide an exception; to name the new field house of the University of Nebraska at Lincoln;".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 321. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Judiciary

LEGISLATIVE BILL 142. Placed on General File as amended.
Standing Committee amendments to LB 142:

1. Strike original section 1 and insert the following:

"Section 1. No action against a seller of a product which is based upon the theory of strict liability in tort may be commenced more than four years after the product was first sold to any person not engaged in the business of selling the product. Nothing contained in this section shall bar an action against a product seller brought on a theory of negligence if such

action is timely commenced within the limitation prescribed by section 25-207. Nothing contained in this section shall affect the right of any person found liable to seek and obtain indemnity or contribution from any other person whose actual fault caused a product to be defective or contributed to a product being defective.".

2. On page 2, strike the second "the" and insert "a"; in line 19 strike "primary" and insert "proximate or contributing"; in line 23 after "brought" insert a period and strike the remainder of the line; and strike lines 24 through 27.

3. On page 3, strike lines 1 and 2.

4. Strike original section 3 and insert the following:

"Sec. 3. That section 27-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-407. When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment. Culpable conduct as used in this rule shall include, but not be limited to, the manufacture or sale of a defective product.

Sec. 7. That original section 27-407, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

5. Renumber original section 7 as section 8.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT–Bracket LB 220 and LB 220A

Mr. Kelly asked unanimous consent to bracket LB 220 and LB 220A on E & R Final until March 29, 1977. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 40.

Introduced by Agriculture and Environment Committee: Schmit, 23rd District, Chairman; Hefner, 19th District; Lamb, 43rd District; Kahle, 37th District; Maresh, 32nd District; DeCamp, 40th District; Venditte, 7th District.

WHEREAS, the Agriculture and Environment Committee of the Nebraska Legislature has for the past four years intensely studied the question of the needs of Nebraska agriculture relative to veterinarians; and

WHEREAS, the Agriculture and Environment Committee has at this time compiled additional information, data and recommendations and programs some of which if implemented, may resolve short term or long term veterinary problems that Nebraska has or might experience in the foreseeable future; and

WHEREAS, in recent months reports in the news media indicate that the Governors of the states involved in the Old West Regional Commission are still attempting to determine if it is feasible for the five states to jointly construct and operate a veterinary college; and

WHEREAS, as of March 21, 1977, the members of the Legislature have received no further information from the Old West Regional Commission relative to recommendations, desires, or beliefs relating to procedures Nebraska should follow in the matter of developing a veterinary college; and

WHEREAS, the Nebraska Legislature's Agriculture and Environment Committee is ready, willing and able to propose and implement whatever measures are necessary to provide an adequate supply of veterinarians to Nebraska for the foreseeable future; and

WHEREAS, the Nebraska Legislature's Agriculture and Environment Committee wishes to afford the Governor, the Old West Regional Commission and the University of Nebraska, or any representative of those three parties, the opportunity to present any and all information or recommendations or program plans they may have relative to Nebraska veterinary needs.

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

1. That the Governor, the Old West Regional Commission and the University of Nebraska be specifically requested by this Legislature to provide to the Agriculture and Environment Committee any information or recommendations they may have relative to the establishment of a veterinary college or any alternative proposals to resolve a potential veterinary shortage problem.

2. That the Governor be specifically requested to provide to the Agriculture and Environment Committee or the Legislature any legislative proposals he has this year for establishment of any veterinary college or other veterinary programs.

3. That the Governor be requested to provide to the Legislature any requests or recommendations he has on financing such programs which shall specifically include the cost requirements and the amounts of money requested by the Governor for such programs.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 58, 152, 190, 203, 265, 275, 275A, 304, 307, 334, 335, 336, and 487.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 58, 152, 190, 203, 265, 275, 275A, 304, 307, 334, 335, 336, and 487.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 22, 1977, at 8:55 a.m. were the following bills: 125 and 267.

(Signed) Barbara Jackson, Enrolling Clerk

BILL ON FIRST READING

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

LEGISLATIVE BILL 258A. By Schmit, 23rd District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 258, Eighty-fifth Legislature, First Session, 1977.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Burrows renewed his pending amendment found in the Journal on page 966.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

The Burrows amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

Laid over.

MOTION—Rule Change

Mr. DeCamp offered the following rule change:

1. Insert a new section 12 under Rule 2 as follows:

"Sec. 12. At any stage of consideration of a bill, after one hour of debate on such bill, the introducer of the bill may move to advance the bill. Upon the making of such motion, debate on the bill shall cease, and the introducer shall be allowed to speak in closing.

Referred to the Rules Committee.

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 91. Placed on General File as amended.
Standing Committee amendments to LB 91:

1. On page 2, line 16 after "to" insert "any" and strike "stores" and insert "store which sells or offers for sale less than a five ton volume of commercial feed annually".

2. On page 3, line 18 after "to" insert "any" and strike "stores" and insert "store which sells or offers for sale less than a five ton volume of commercial fertilizer or soil conditioners annually".

LEGISLATIVE BILL 484. Placed on General File.
LEGISLATIVE BILL 503. Placed on General File.

(Signed) Loran Schmit, Chairman

MOTION—Override Veto on LB 179

Mr. Chambers renewed his pending motion found in the Journal on page 971 to override the Governor's veto on LB 179.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Cullan	DeCamp	Duis	Fitzgerald
Fowler	Kahle	Kelly	Keyes	Kremer
Labedz	F. Lewis	R. Lewis	Luedtke	Marsh
Maxey	Merz	Moylan	Newell	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Venditte				

Voting in the negative, 13:

Clark	Cope	Dworak	George	Hasebroock
Hefner	Lamb	Maresh	Marvel	Mills
Nichol	Stoney	Warner		

Present and not voting, 3:

Goodrich	Murphy	Swigart

Excused and not voting, 2:

Carsten	Koch

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 179A

Mr. Chambers renewed his pending motion found in the Journal on page 971 to override the Governor's veto on LB 179A.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Cullan	DeCamp	Duis	Fitzgerald
Fowler	Kahle	Kelly	Keyes	Kremer
Labedz	F. Lewis	R. Lewis	Luedtke	Marsh
Maxey	Merz	Moylan	Newell	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Venditte				

Voting in the negative, 13:

Clark	Cope	Dworak	George	Hasebroock
Hefner	Lamb	Maresh	Marvel	Mills
Nichol	Stoney	Warner		

Present and not voting, 3:

Goodrich	Murphy	Swigart

Excused and not voting, 2:

Carsten Koch

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MESSAGE FROM THE GOVERNOR

March 21, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 374.

This bill was signed by me on March 21, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 187. Placed on General File as amended.
Standing Committee amendments to LB 187:

1. On page 3, line 27 after "not" insert "less than one hundred dollars nor".

2. On page 4, lines 7 and 8 strike "not more than"; in lines 9, 13, 17, 18, and 24 strike "arrested" and insert "cited"; in line 10 strike "arresting"; in line 11 after "officer" insert "issuing the citation"; and in line 23 strike "arrest" and insert "citation".

4. On page 5, line 1 strike "arrested" and insert "cited".

5. Strike original section 2.

6. Renumber original sections 3 and 4 as sections 2 and 3 respectively.

LEGISLATIVE BILL 438. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR36 and LR37.

MOTION–Approve Committee on Committees Report

Mr. Savage moved the rejection of the appointment of Terry Carpenter to the Nebraska Accountability and Disclosure Commission, found in the Journal on page 963.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Vote on Terry Carpenter

Voting in the affirmative, 35:

Bereuter	Boughn	Brennan	Burrows	Clark
Cope	Cullan	Duis	Dworak	Fitzgerald
George	Hasebroock	Hefner	Kahle	Kremer
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Merz	Mills	Moylan
Murphy	Newell	Rasmussen	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Warner

Voting in the negative, 9:

Barnett	Chambers	DeCamp	Fowler	Kelly
Keyes	Labedz	Maxey	Nichol	

Present and not voting, 3:

Goodrich	Schmit	Venditte

Excused and not voting, 2:

Carsten	Koch

The Carpenter appointment was rejected with 35 ayes, 9 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Savage moved the confirmation of the appointment of JoAnn S. Kimball to the Nebraska Accountability and Disclosure Commission found in the Journal on page 963.

Mr. Chambers moved to bracket the Committee on Committees report on appointments to the Nebraska Accountability and Disclosure Commission until July 10, 1977.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Chambers motion to bracket lost with 4 ayes, 25 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

Vote on JoAnn S. Kimball

Voting in the affirmative, 34:

Barnett	Bereuter	Boughn	Cope	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Kremer	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Murphy	Newell
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 10:

Brennan	Chambers	Clark	Cullan	Duis
Kelly	Labedz	Mills	Nichol	Venditte

Present and not voting, 3:

Burrows	DeCamp	Moylan

Excused and not voting, 2:

Carsten	Koch

The Chair declared the appointment of JoAnn S. Kimball confirmed.

NOTICE OF COMMITTEE HEARING
Rules

Thursday, March 24, 1977 – Room 1019 12:00 Noon

(Signed) John DeCamp, Chairman

ANNOUNCEMENT

Mr. Maresh announced an executive session of the Business and Labor Committee to be held Thursday, March 24, 1977, at 8:30 a.m., under the North Balcony.

COMMUNICATIONS on LB 179 and LB 179A

March 22, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 179 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 179 notwithstanding the objections of the Governor.

Yours very truly,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 179 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 March, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

March 22, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 179A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 179A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 179A 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 March, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

MOTION—Rule Change

Mrs. Marsh offered the following rule change:

To amend Rule 6 to create a new Section 12. Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairman of the Appropriations Committee shall report to the Legislature on its fiscal implications and shall recommend to the Legislature the order in which motions to override shall be considered.

Referred to the Rules Committee.

MOTION—Approve Committee on Committees Report

Mr. Savage moved the confirmation of the appointment of Mimi Waldbaum for the Nebraska Accountability and Disclosure Commission found in the Journal on page 963.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Vote on Mimi Waldbaum

Voting in the affirmative, 30:

Barnett	Bereuter	Cope	Dworak	Fitzgerald
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Kremer	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Moylan	Murphy	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Warner

Voting in the negative, 10:

Boughn	Brennan	Chambers	Clark	Cullan
Duis	Kelly	Labedz	Mills	Nichol

Present and not voting, 7:

Burrows	DeCamp	Fowler	George	Newell
Stoney	Venditte			

Excused and voting, 2:

Carsten	Koch

The Chair declared the appointment of Mimi Waldbaum confirmed.

Mr. Savage moved the confirmation of the appointment of Lola Jean Staley for the Nebraska Accountability and Disclosure Commission found in the Journal on page 964.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Vote on Lola Jean Staley

Voting in the affirmative, 32:

Barnett	Bereuter	Boughn	Cope	Dworak
Fitzgerald	Fowler	George	Hasebroock	Hefner
Kahle	Keyes	Kremer	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Moylan	Murphy	Newell	Rasmussen
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 8:

Brennan	Chambers	Clark	Cullan	Duis
Labedz	Mills	Nichol		

Present and not voting, 7:

Burrows	DeCamp	Goodrich	Kelly	F. Lewis
Reutzel	Venditte			

Excused and not voting, 2:

Carsten Koch

The Chair declared the appointment of Lola Jean Staley confirmed.

The Chair ruled the other nominees of James M. Davis and Ralph Slocum to the Nebraska Accountability and Disclosure Commission found in the Journal on pages 963 and 964 are still under consideration by the Committee on Committees in committee.

Mr. Nichol moved to bring the 2 nominees to the floor for consideration.

The Chair ruled this is in order.

Mr. Mills objected.

The Chair withdrew his ruling.

Mr. Nichol moved to suspend the rules to consider the 2 nominees on the floor at this time. The motion lost with 7 ayes, 17 nays, 24 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused until he returns. No objections. So ordered.

UNANIMOUS CONSENT—Approve Appointments

Mr. Savage asked unanimous consent to vote on the appointments of Dr. James Thayer, Norris Leamer, Wendell W. Wood, Tom Doyle, Roy E. Gardner, Charles Broderson, Mrs. Joan Nelson, and James W. McBride found in the Journal on pages 964 and 966 all in one record vote. No objections. So ordered.

Voting in the affirmative, 31:

Barnett	Boughn	Clark	Cope	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rumery	Savage	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 16:

Bereuter	Brennan	Burrows	Chambers	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Kelly	R. Lewis	Rasmussen	Reutzel	Schmit
Venditte				

Excused and not voting, 2:

Carsten DeCamp

The Chair declared the appointments confirmed.

EXPLANATION OF VOTE

Had I not been on the phone I would have voted aye on Mimi Walbaum.

(Signed) Dave Newell

ANNOUNCEMENT

Mr. F. Lewis announced an executive session under the North Balcony of the Education Committee immediately upon recess.

SPEAKER'S REQUEST

Speaker Luedtke requested we take up bills on Select File with E & R amendments first. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 311. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 311A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 245. E & R amendments found in the Journal on page 933 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 317. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 474. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 365. E & R amendments found in the Journal on page 933 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 353. E & R amendments found in the Journal on page 934 for the Forty-Seventh Day were adopted.

Mr. Keyes offered the following amendment:

AMENDMENT TO LB 353

1. 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.".

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 362. E & R amendment found in the Journal on page 934 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 363. E & R amendments found in the Journal on page 935 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 480. E & R amendment found in the Journal on page 935 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 459. E & R amendments found in the Journal on page 935 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 459A. Mr. Warner offered the following amendment:

Amendment to LB 459A

page 2, line 3, after "to" insert "Legislative Council, Agency No. 3 for program 122, Legislative Services, which may be used to contract with"

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 462. E & R amendments found in the Journal on page 935 for the Forty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 111. E & R amendment found in the Journal on page 936 for the Forty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 126. Mr. DeCamp renewed his pending amendment found in the Journal on page 805.

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
To Amend LB 126.
Page 3, Line 15: strike "twenty" and
insert "fifteen".

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 401. E & R amendments found in the Journal on page 915 for the Forty-Sixth Day were adopted.

Mr. Warner offered the following amendment:
1. Insert a new section to read as follows:
"Sec. 2. The purpose of the committee shall be to study issues affecting telecommunications. The committee shall not hear or act on legislative bills during any session of the Legislature.".

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 264. Mr. Burrows moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 45. E & R amendment found in the Journal on page 915 for the Forty-Sixth Day was adopted.

Bracketed until 3/30 at the request of Mr. Murphy.

LEGISLATIVE BILL 294. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT – Member Excused

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

MOTION – Return LB 294 to Select File

Mr. Schmit moved to return LB 294 to Select File for the Luedtke specific amendment found in the Journal on page 732.

Mr. Schmit moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to return LB 294 to Select File prevailed with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 294. The Schmit–Luedtke specific amendment was renewed.

Mr. Schmit moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Schmit-Luedtke specific amendment was adopted with 27 ayes, 12 nays, 7 present and not voting, and 3 excused and not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Re-Engrossment.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 80. Placed on General File as amended.
Standing Committee amendment to LB 80:
1. 1. Strike original sections 1 and 2 and

insert the following:

"Section 1. The Legislature hereby approves and recommends to the Governor that the Department of Correctional Services enter into a lease agreement with the city of Kearney relating to lands owned by the department at a fixed annual cash rental for a term of not more than ninety-nine years. Such land is described as follows:

The northeast quarter of section 33, township 9, north range 16 west of the sixth principal meridian in Buffalo County, Nebraska, more particularly described as follows: Commencing at a point two hundred fifty-five feet south of the northeast corner of section 33, thence west three hundred forty feet; thence south three hundred feet parallel to the east section line; thence east three hundred forty feet; thence north three hundred feet along the east section line to the point of beginning, containing two and thirty-four hundreths acres, more or less.".

LEGISLATIVE BILL 186. Placed on General File as amended.
Standing Committee amendments to LB 186:

1. On page 3, line 22, strike "complete", and insert "all available".

2. On page 4, line 3, after the period, insert "The review period for the commission shall run concurrently with subdivision review activities of the municipality after the commission receives all available material for a proposed subdivision plat.".

3. On page 5, line 20, strike "One" and insert "Two".

4. On page 15, line 13, strike "The" and insert "In all counties in the state, the county planning".

5. Insert a new section 15, as follows:

"Sec. 15. The State Office of Planning and Programming shall not contract with or provide assistance to any municipality or county to prepare comprehensive development plans or land-use regulatory proposals, unless such assistance shall first be requested in writing by the municipality or county.".

6. Renumber original sections 15 and 16 as sections 16 and 17, respectively.

LEGISLATIVE BILL 56. Indefinitely postponed.

(Signed) Dennis Rasmussen, Chairman

UNANIMOUS CONSENT – Members Excused

Mr. Dworak asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused until he returns this afternoon. No objections. So ordered.

ANNOUNCEMENT

Mr. George announced the Urban Affairs Committee will meet in executive session, Wednesday, March 23, 1977 at 12:00 Noon in the East Lounge.

VISITORS

The President introduced Mrs. Carrie (Olson) Lamphere of Lincoln; 20 students and teachers from South East Community College, Lincoln; 37 12th grade students, teacher and sponsor from Red Cloud High School, Red Cloud; Mr. and Mrs. Clifford Gangwish and son Joe from Gibbon.

RECESS

At 12:06 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:50 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, DeCamp, and the Appropriations Committee who were excused; Messrs. F. Lewis, Marvel, and Reutzel who were excused until they arrive; Mr. Chambers who was absent until 2:15 p.m.; and Mr. Schmit who was absent until 2:30 p.m.

MESSAGES FROM THE SECRETARY OF STATE

March 22, 1977

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

RE: LB 179, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on March 22, 1977 at 10:53 A.M., LB 179. Along with LB 179, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 179 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 March, 1977."

Further, I hereby acknowledge that LB 179, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

March 22, 1977

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

RE: LB 179A, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on March 22, 1977 at 10:53 A.M., LB 179A. Along with LB 179A, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 179A 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 March, 1977."

Further, I hereby acknowledge that LB 179A, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) ALLEN J. BEERMANN
Secretary of State

SELECT FILE

LEGISLATIVE BILL 312. E & R amendments found in the Journal on page 933 for the Forty-Seventh Day were adopted.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 875.

The amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, 2 absent and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 355. Mr. Duis offered the following amendment:
Insert a new paragraph as follows:

(c) No individual serving on active duty in the armed forces of the United States who is outside the State of Nebraska for more than one taxable year shall be considered to be a resident of Nebraska for purposes of the state income tax.

Mr. Simon moved to bracket LB 355 until April 1, 1977.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 3 nays, and 23 not voting.

Mrs. Maxey asked unanimous consent to be excused for a short time. No objections. So ordered.

The Simon motion to bracket lost with 5 ayes, 19 nays, 13 present and not voting, and 12 excused and not voting.

Mr. Cullan moved the previous question. The motion failed to receive 5 seconds.

Mr. Duis moved for a Call of the House. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

Mr. Duis moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Duis amendment lost with 20 ayes, 21 nays, 5 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 473. Mr. Murphy offered the following amendment:
To amend LB 473, on page 2 Line 17 – strike "full" and insert "reasonable".

The Murphy amendment lost with 9 ayes, 19 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 121. Placed on General File as amended.
Standing Committee amendments to LB 121:

1. Strike subsections (6) and (7) and insert a new subsection (6) to read as follows:

"(6) If a landlord's failure to comply with this section is willful, the aggrieved tenant may recover from that landlord the property and money due such tenant, actual damages sustained by such tenant, and reasonable attorney's fees.".

(Signed) Wally Barnett, Chairman

Agriculture and Environment

LEGISLATIVE BILL 110. Placed on General File as amended.
Standing Committee amendments to LB 110:

1. On page 2, line 3, strike "a certified applicator" and insert "any applicator certified under sections 2-2613 to 2-1618"; in line 8 after "applicator" insert ", and in the case of an aerial applicator, a senior agricultural pilot, as defined by the Department of Aeronautics".

2. Insert three new sections as follows:

"Sec. 2. That Section 2-2613, Revised Statutes Supplement, 1976, be amended to read as follows:

2-2613. As used in sections 2-2613 to 2-2618, unless the context otherwise requires:

(1) Restricted use shall mean any pesticide which when applied in accordance with its directions for use, warnings, and cautions and for the uses for which it is registered, or for one or more of such uses, or in accordance with a widespread and commonly recognized practice, may generally cause, without additional regulatory restrictions, unreasonable adverse effects on the environment, including injury to the applicator, such pesticide, or the particular use or uses applied;

(2) Private applicator shall mean ~~a certified~~ an applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by such applicator or his or her employer or if applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person; and

(3) Commercial applicator shall mean ~~a certified~~ an applicator, whether or not such applicator is a private applicator with respect to some uses, who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided in subdivision (2) of this section.

Sec. 3. That section 2-2614, Revised Statutes Supplement, 1976, be amended to read as follows:

2-2614. The Cooperative Extension Service of the University of Nebraska, through its county extension agents and specialists in the State of Nebraska, shall, in order to ~~certify~~ instruct private and commercial applicators for the use of restricted use pesticides, conduct training sessions on the use of restricted use pesticides. The programs shall be directed toward thorough comprehension and knowledge on the safe use of restricted use pesticides. It shall be the responsibility of the Cooperative Extension Service to schedule regular and frequent training sessions and to issue recommendations of satisfactory training for ~~each~~ private and commercial ~~applicator~~ applicators completing the training to the Director of Agriculture, who shall issue a certificate acknowledging the satisfactory completion of training. Each commercial applicator shall be required to satisfactorily demonstrate competence in the use and handling of pesticides on the basis of a written examination as a prerequisite to initial certification. A commercial applicator shall not be

required to satisfactorily complete training under this section as a prerequisite to examination for certification. Commercial applicators shall be trained, examined, and certified according to categories, but such categories shall be limited to the following: (1) Agricultural pest control – plant; (2) agricultural pest control – animal; (3) forest pest control; (4) ornamental and turf pest control; (5) seed treatment; (6) aquatic pest control; (7) right-of-way pest control; (8) industrial, institutional, structural, and health related pest control; (9) public health pest control; (10) regulatory pest control; and (11) demonstration and research pest control. Each private and commercial applicator's certificate shall expire four years after the date of issuance and shall be renewed upon the satisfactory completion of training under this section.

Sec. 4. That original sections 2-2613 and 2-2614, Revised Statutes Supplement, 1976, are repealed.".

2. Insert a new section 4 as follows:

"Sec. 4. Forty thousand dollars is hereby reappropriated for the period July 1, 1977, to June 30, 1978, out of funds appropriated to the University of Nebraska Cooperative Extension Service, Agency No. 51-1 by Legislative Bill 332A, Eighty-fourth Legislature, Second Session, 1976, which have not been expended by June 30, 1977. Such reappropriation shall be used for the education and training of private and commercial applicators and shall be used subsequent to the use of any federal funds that may be available for such purposes.".

3. Supply underscoring to section 1.

LEGISLATIVE BILL 184. Placed on General File as amended.
Standing Committee amendment to LB 184:

1. On page 2, line 9 strike "forty-eight hours" and insert "fourteen days"; strike beginning with "date" in line 9 through "such" in line 10 and insert "product is received by the"; in line 14 after "period" insert "unless otherwise agreed upon in writing"; and strike lines 15 through 20.

(Signed) Loran Schmit, Chairman

MESSAGE FROM THE GOVERNOR

March 22, 1977

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

Dear Mr. President and Senators:

I herewith return LB 389 and LB 389A without my signature and with my objections.

This measure would create just one more layer of bureaucracy and needless duplication. While the merits and goals of LB 389 are laudatory, the duplication of administration and services created by its provisions is not.

At best, LB 389 will provide for a very limited outreach and referral program directed solely at one group of persons, displaced homemakers, thereby duplicating services currently available through the Department of Labor's CETA program and the Department of Welfare's work incentive and related programs. The potential exists, however, for LB 389 to become a very expensive bureaucracy demanding more and more tax money for the establishment of separate delivery systems designed specifically for the displaced homemaker.

I am convinced that the needs of the displaced homemaker can be addressed through the existing agencies of government which are providing the types of services called for under LB 389. Towards this end, I have directed the Commissioner of Labor and the Director of Welfare to review the services they are providing to displaced homemakers to insure that those in need are being identified and referred to the appropriate programs and adequately served. I believe this is the appropriate manner to adequately address the needs of displaced homemakers. The creation of another bureaucracy is not the answer.

The Legislature here has authorized an additional $94,000 over my recommendations for just a start-up. It provides services for the Omaha and Scottsbluff area only. Can you imagine what will happen next year, and the year after that.

I urge your body to sustain my veto.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

SELECT FILE

LEGISLATIVE BILL 419. E & R amendment found in the Journal on page 934 for the Forty-Seventh Day was adopted.

Mr. Keyes offered the following amendment:

AMENDMENTS TO LB 419

1. Insert a new section 4 as follows:

"Sec. 4. Personalized prestige plates may be transferred to a motor vehicle other than the vehicle for which such plates where originally purchased (1) if such vehicle is owned and registered by the owner of the prestige plates, and (2) if the license plates from the vehicle on which the prestige plates are to be placed are placed on the vehicle from which the prestige plates are taken.

Application for such transfer shall be made to the county treasurer and shall be accompanied by an application fee of three dollars.".

2. Renumber original section 4 as section 5.

Mr. Keyes moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Mr. Keyes requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Boughn	Brennan	Burrows	Clark
Cullan	Duis	George	Hefner	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Merz	Moylan
Newell	Nichol	Rasmussen	Reutzel	Swigart
Venditte				

Voting in the negative, 8:

Dworak	Kahle	Kelly	Maxey	Mills
Murphy	Simon	Stoney		

Present and not voting, 4:

Chambers	Fitzgerald	Koch	Schmit

Excused and not voting, 11:

Bereuter	Carsten	Cope	DeCamp	Fowler
Goodrich	Hasebroock	Marsh	Rumery	Savage
Warner				

Mr. Keyes moved the Call be raised. The motion prevailed with 24 ayes, 1 nay, and 24 not voting.

The Keyes amendment was adopted with 26 ayes, 8 nays, 4 present and not voting, and 11 excused and not voting.

SPEAKER LUEDTKE PRESIDING

Mr. Mills offered the following amendment:
Add the emergency clause.

The amendment was adopted with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 421. E & R amendments found in the Journal on page 935 for the Forty-Seventh Day were adopted.

Mr. Burrows asked unanimous consent to withdraw his pending amendment found in the Journal on page 911. No objections. So ordered.

Mr. Koch asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. Barnett offered the following amendment:
To amend LB 421
Line 11 – remove "not less than one thousand
Line 12 – "dollars"
On Line 12 – change "nor" to "no"
On Line 12 – change "Five" to "one" and
insert "." after dollars and strike the rest of
line 12. Then strike line 13 and 14.

PRESIDENT WHELAN PRESIDING

The Barnett amendment was adopted with 25 ayes, 4 nays, 8 present and not voting, and 12 excused and not voting.

Mrs. Maxey asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Kremer offered the following amendment:
Amendment to LB 421
Page 2, line 7, strike the word "well" and substitute therefore the word "system".
Page 2, line 7, strike the word "such".
Page 2, line 8, after the word "well", insert the word "pump".

The Kremer amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Mills offered the following amendment:
Line 11 add, Not less than $500

The Mills amendment lost with 13 ayes, 9 nays, 14 present and not voting, and 13 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Cullan offered the following amendment:
min. 100 max. 500 no imprisonment

The Cullan amendment was adopted with 25 ayes, 4 nays, 7 present and not voting, and 13 excused and not voting.

Mr. F. Lewis moved to indefinitely postpone.

Motion pending.

MESSAGE FROM THE GOVERNOR

March 22, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 88.
This bill was signed by me on March 22, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

MOTION–Override Veto on LB 389

Mrs. Maxey moved to override the veto of LB 389 notwithstanding the objections of the Governor.

Motion pending.

MOTION—Override Veto on LB 389A

Mrs. Maxey moved to override the veto of LB 389A notwithstanding the objections of the Governor.

Motion pending.

REFERENCE COMMITTEE REPORT

LB	Committee
520	Appropriations

(Signed) R. D. Marvel, Chairman; Jack Mills; William E. Nichol; Roland Luedtke; Douglas Bereuter; John S. Savage; Steve Fowler; Larry D. Stoney; and R. Lewis.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 201. Placed on General File as amended.
Standing Committee amendments to LB 201:
(Amendments printed separate from the Journal and on file in the Clerk's office – Req. 2515.)

LEGISLATIVE BILL 315. Placed on General File.

LEGISLATIVE BILL 388. Placed on General File as amended.
Standing Committee amendment to LB 388:
1. On page 4, line 6, after "improvements", insert "on cemetery grounds".

LEGISLATIVE BILL 498. Placed on General File as amended.
Standing Committee amendment to LB 498:
1. 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.".

(Signed) Dennis L. Rasmussen, Chairman

SELECT FILE

LEGISLATIVE BILL 481. Mr. Simon renewed his pending amendment found in the Journal on page 936 and requested the following be added to his amendment. No objections. So ordered.

In the event that only one member on the Board resides outside the metropolitan city limits and during his or her term on the Board their residence is annexed by a metropolitan city, that Board member shall be allowed to finish their term of office. Immediately after their term of office is completed , they shall not be eligible for reappointment.

Mr. Simon moved for a Call of the House. The motion prevailed with 15 ayes, 12 nays, and 22 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Simon amendment as modified was adopted with 25 ayes, 12 nays, 8 present and not voting, and 4 excused and not voting.

Mr. Moylan offered the following amendment:
Add emergency clause to LB 481.

The Moylan amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Newell offered the following amendment:
Strike Sec 1 & 2 & 3 In Section 4, Line 4, strike in lieu of appointing a board of trustees of such facility or facilities, in line 6 strike "may elect to" and add "shall."

The Newell amendment lost with 3 ayes, 20 nays, 13 present and not voting, and 13 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Place LB337 on General File

Mr. Fitzgerald moved that in accordance with Rule 3, Sec. 10, to advance LB337 to General File from the committee.

Motion pending.

VISITORS

The President introduced 23 third and fourth grade students and teachers from Prescott Elementary School, Lincoln; 11 Webelos Scouts, Den Chief and 4 leaders from Elmwood.

ADJOURNMENT

At 4:33 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, March 23, 1977.

Vincent D. Brown
Clerk of the Legislature

FORTY-NINTH DAY–MARCH 23, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 23, 1977

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 a part of that continuing stream of history - destined, perhaps, to be remembered even when our names are long since forgotten. Inspire us day by day, O God, by an understanding of the history of which we are a part. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Carsten who was excused; and Messrs. DeCamp, Schmit, Simon and the Miscellaneous Subjects Committee who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Eighth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 294. Replaced on Select File as amended.
E & R amendment to LB 294:
(Note: The Luedtke amendments refer to the Final Reading Bill.)
1. In the Final Reading title, strike lines 2 to 7 and through the semicolon in line 8 and insert:

"FOR AN ACT to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol: to limit the duties of agency legal counsel;"; and in line 9 strike "sections" and insert "section".

LEGISLATIVE BILL 365. Replaced on Select File as amended.
E & R amendments to LB 365:

1. In committee amendments, page 3, line 15, insert an underscored comma after "act".
2. In line 3 of E & R 3, insert "the second" after "strike".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Hold LB 22

Mr. Stoney asked unanimous consent to hold LB 22 on Final Reading until tomorrow. No objections. So ordered.

RULING OF THE CHAIR

The Chair ruled that when a member wishes to debate, he is not eligible to move the previous question.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Boughn moved the adoption of the Venditte amendment to sub-section 5 found in the Journal on page 891.

The amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Venditte offered the following amendment:
L.B. 38 Article 4
To amend Article 4, Sec. 62, Subsection 22, on Pg. 38, Line 2, after the word cultivation insert the words "intentional growing."

Mr. Barnett 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 Venditte amendment lost with 16 ayes, 16 nays, 13 present and not voting, and 4 excused and not voting.

The Barnett amendments (1) through (8) found in the Journal on page 790 to Article 5 were renewed.

The Barnett amendment (1) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Barnett amendments (2) and (3) were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Barnett amendment (4) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Barnett amendment (5) was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

The Barnett amendment (6) was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

The Barnett amendment (7) was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

The Barnett amendment (8) was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Laid over.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 23, 1977, at 9:35 a.m., were the following bills: 58, 152, 190, 203, 265, 275, 275A, 304, 307, 334, 335, 336, and 487.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 55. Indefinitely postponed.
LEGISLATIVE BILL 147. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

Government, Military and Veterans Affairs

LEGISLATIVE BILL 71. Indefinitely postponed.
LEGISLATIVE BILL 235. Indefinitely postponed.
LEGISLATIVE BILL 239. Indefinitely postponed.

LEGISLATIVE BILL 272. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 245, 311, 311A, 317, 353, 362, 363, 474, and 480.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Print Amendment to LB 109

Mr. Koch asked unanimous consent to print the following amendment to LB 109 in the Journal. No objections. So ordered.

Amendment to the Bereuter Amendment to LB 109
(White Copy)

1. In the Bereuter amendment, Journal page 958, strike "Appropriation's" and insert "Constitutional Revision and Recreation"; strike the sentence reading "The recommendation of the Constitutional Revision and Recreation Committee shall also be sought by the Appropriations Committee in its deliberations." and insert "The approval and recommendation of the Constitutional Revision and Recreation Committee shall be submitted to the Appropriations Committee prior to the appropriation of funds for such plan.".

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 77. Mr. Murphy renewed his pending motion found in the Journal on page 920 to indefinitely postpone.

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 Murphy motion to indefinitely postpone lost with 15 ayes, 26 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Mills offered the following amendment:
1. On page 2, line 9 after "bank" insert
", located within a city of the metropolitan class,".

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Mills amendment lost with 9 ayes, 26 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Mills offered the following amendment:
Page 2 Line 13 strike "two" and insert "three"

Mr. F. Lewis 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 Mills amendment lost with 12 ayes, 25 nays, 10 present and not voting, and 2 excused and not voting.

Mr. Murphy offered the following amendment:
To amend LB 77 page 2 line 9, strike the word "an" and insert "one".

Mr. F. Lewis moved the previous question. The question is "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Murphy amendment lost with 16 ayes, 19 nays, 12 present and not voting, and 2 excused and not voting.

Mr. Cullan requested a machine vote on advancing LB 77 to E & R Final.

Advanced to E & R for Engrossment with 25 ayes, 11 nays, 11 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE GOVERNOR

March 23, 1977

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

Dear Mr. President and Senators:

Attached herewith you will find two bills that address themselves to appropriations matters for the current fiscal year.

These matters have been discussed with the Appropriations Committee, and input has been made from the Department of Administrative Services to the Legislative fiscal staff and the Chairman of your Appropriations Committee.

Addressed are such matters as required appropriations for increased judges' salaries that were passed by the Legislature last year, the appropriations necessary to begin staffing and organization of the Nebraska Accountability and Disclosure Commission, technical amendments to the cash, revolving, and Federal funds for the State Colleges, and funds to finish repairing the fire damage to the Plant Industry Building.

The most important matter that these bills address is the requested increase in cash and revolving funds from the University of Nebraska, which the University refers to as "technical amendments."

Almost every year these matters are required to be addressed by the Legislature since it is customary for the University to "find" additional cash funds that were discovered "after the fact." You will remember that just prior to your appropriation for the University of Nebraska last year there was discussion regarding what the actual cash fund picture was with regard to the University. Our administration maintained that the University's cash fund estimates were too low, and that General Fund was being appropriated where there should have been additional cash fund appropriations estimated.

While the two bills that I am introducing today will give the University considerable leeway in some cash and revolving funds, I am opposed to a substantial portion of their request, which I consider excessive, in the amount of approximately $2.5 million.

Should the Legislature approve their entire request, the effect would be to further increase their total operational expenditures over the authorized figure of $228 million that the Legislature authorized for the 1976-77 fiscal year. It will be argued by the University that the general fund is not affected. This is not accurate. The added expenditure, if authorized, will be added into this year's budget, which will become the base for an even larger budget next year, which will require more tax support.

It is my suggestion, which can be accomplished with the bills attached, that rather than allowing increased operational expenditures, excess University cash funds be used to replace General Fund in the amount of $2,024,030 in the operational budget, and that this amount be authorized only to advance payment for accelerated construction on the plant science building that otherwise would not have been paid out until July 1, 1977, and to complete recovery from the plant industry fire of last year.

The basic effect of this suggestion is to deny many unjustified University expenditures for the current fiscal year above your previous authorizations, and conserve total funds to assist in cash flow problems.

I urge your favorable action accordingly.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

BILLS ON FIRST READING

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

LEGISLATIVE BILL 521. By Speaker Luedtke, at request of Governor.

A BILL FOR AN ACT to amend section 1, Legislative Bill 743, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase appropriations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 522. By Speaker Luedtke, at request of Governor.

A BILL FOR AN ACT to amend sections 3 to 10, Legislative Bill 690, Eighty-fourth Legislature, Second Session, 1976, section 2, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976, with appropriations reduced by line-item vetoes, section 34, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976, and sections 28 and 39, Legislative Bill 984, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase and shift appropriations; to make appropriations; to repeal the original sections; and to declare an emergency.

ATTORNEY GENERAL'S OPINION

Opinion No. 49
March 22, 1977

Dear Senator Koch:

You have asked our opinion as to the constitutional validity of the Standing Committee amendments to L.B. 131. These amendments have stricken the first three sections of the original bill, and substituted nine new sections.

The first section is simply a statement of the purpose of the act, and presents no constitutional question. Section 2 requires the county assessor

each year to notify the county board of his plans for determining the county's values for the coming assessment year. Section 3 requires the county board to review the assessor's plans, and to forward a copy to the tax commissioner, together with the comments of the county board and a report as to the assessor's budget to accomplish his duties. Section 4 requires the tax commissioner to analyze the reports from the counties, and to notify each county board and assessor as to the tax commissioner's opinion as to what must be done to maintain the property (sic) level of values. Section 5 requires the tax commissioner to transmit copies of his actions to each member of the State Board of Equalization and Assessment, and requires the Board to consider such information, together with a report by the tax commissioner as to the extent of compliance. We see no constitutional difficulties with these sections.

Section 6 provides that for the year 1977 the total real estate values in any county shall not exceed those used in 1976, except for values attributed to changes in new and used improvements. For the year 1978, all counties are to use new values reflecting current actual values, and if any county refuses, the State Board of Equalization and Assessment shall equalize such county based upon the level of values in surrounding counties.

This section appears to clearly violate the provisions of Article VIII, Section 1 of the Nebraska Constitution, which requires taxes to be levied by valuation uniformly and proportionately upon all tangible property, with certain exceptions. Section 6 of the bill in question would authorize a county to continue to use 1976 valuations of real estate, in spite of the fact that such valuations might not reflect actual values in 1977. Section 77-201, R.R.S. 1943 requires all tangible property to be valued at its actual value. Obviously, other types of taxable property would continue to be assessed at actual values, creating an automatic lack of uniformity. Homan v. Board of Equalization, 141 Neb. 400, 3 N.W.2d 650 (1942) held that providing a method for fixing the valuation of real estate different from that provided for other tangible property violated Article VIII, Section 1. We believe the court would reach the same conclusion with respect to this provision.

As we pointed out in our opinion of February 10, 1977, with respect to the original version of L.B. 131, the State Board of Equalization and Assessment is required by Article IV, Section 28 to review and equalize assessments of property for taxation. This bill, like the original, would prohibit the Board from doing so. The Legislature cannot prevent the Board from performing duties imposed upon it by the Constitution.

In providing that in 1978 the State Board of Equalization and Assessment shall equalize counties based upon the levels of value in surrounding counties, the bill seems to authorize a standard of assessment different from that specified by section 77-201, and, again, could result in a lack of uniformity, since other property, particularly centrally assessed property, would be valued on a different basis.

Sections 7, 8, and 9 of the bill are too long to be set out in detail herein, but, in summary, they attempt to limit increases in budgets of taxing districts. Section 7 provides that at the time of the first levy against new valuations resulting from a county-wide reappraisal, the budget for each taxing district shall not exceed 7% of the previous year's budget funded by ad valorem taxes or the average increase by percentage for the three preceding budgets, whichever is greater. This provision does not appear to us to say what is intended. Clearly, it is the increase in the budget which is not to exceed 7%, or the average increase for the preceding three budgets, not the budget itself. We will construe it to mean what we believe was intended, but call attention to the ambiguous language. The balance of section 7 deals with certain adjustments and exceptions to the limitations set out in the first part of the section.

Section 8 deals with other exceptions to the limitations set out in section 7. We particularly note the fourth of these, which excepts from the limitations those taxing districts which are levying a tax on property which has increased in value less than 10% from the preceding year.

Questions of classification arise with respect to these sections. We pointed out in our previous opinion regarding this bill that the court might find unreasonable classification with respect to a provision that would give two identical taxing districts different budget limitations, based upon what appear to be irrelevant considerations. Past budgets may have no relation to a district's need in the future, but would amount to arbitrary limitations.

In addition to what we said in our previous opinion, we point out that the amendments create other classification questions. Section 7 appears to impose the limitation only when a county-wide reappraisal is about to be put into effect. We do not understand what relationship a reappraisal has to the size of budgets, except for taxing districts which have a fixed mill levy. For a taxing district which submits a fixed dollar figure to the county board, it is completely irrelevant, assuming that the dollar figure can be raised within the statutory mill levy limitations. The board makes the levy to raise that amount of money. If the assessed valuations are high, the levy will be low, and if the valuations are low, the levy will be proportionately higher. We have difficulty seeing why the budget limitations are necessary when a reappraisal goes into effect, but not before.

The same question arises with respect to the fourth exception contained in section 8, previously mentioned. If the assessed value of property in the district has increased less than 10% from the preceding year, the limitations on budget are off. We are unable to understand the rationale of this provision, and, unless it could be explained to the court, it might be found to be unreasonable classification, in violation of Article III, Section 18 of the Constitution.

Section 9 of the bill is confusing. It provides that if the governing body of a taxing district determines that a budget higher than permitted by section 7 and 8 is needed, it shall hold a public meeting to receive input from the public as to the advisability of exceeding the limits prescribed by

sections 7 and 8. Subsection (2) of section 9 permits the governing body, following the public meeting, to reduce any item of the budget to bring it closer to the limits set by sections 7 and 8 of the act. We find nothing in section 9 which authorizes the governing body to exceed the limitations of sections 7 and 8, although it is difficult to see the reason for the public meeting if these limits are not be be exceeded.

We believe, in view of the matters discussed above, that it would be very difficult to sustain the constitutional validity of the amended bill in its present form.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:pfj
cc: Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Bracket LB 355

Mr. Duis asked unanimous consent to bracket LB 355 on E & R Final until tomorrow. No objections. So ordered.

ANNOUNCEMENT

Mr. Rasmussen announced the Government, Military and Veterans Affairs Committee will hold an executive session in room 1113 on Thursday, March 24, 1977 at 1:15 p.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 459. Replaced on Select File as amended.
E & R amendments to LB 459:

1. On page 13, line 18, insert "(1)" before "The"; and in lines 18 and 19, strike ":
(1) Develop" and insert "develop".

LEGISLATIVE BILL 419. Replaced on Select File as amended.
E & R amendments to LB 419:

1. Add a new section to read:

"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. In the title, line 8, strike "and" and insert "to provide for the transfer of prestige plates;";

and in line 9 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 481. Replaced on Select File as amended.
E & R amendments to LB 481:

1. In the typed portion of the Simon amendment, line 4, strike "said" and insert "the".

2. In lieu of the longhand portion of the Simon amendment, at the end of the typed portion insert: "In any county having a population of more than three hundred thousand inhabitants, if only one member of the board of trustees resides outside the corporate limits of the city in which the facility or facilities are located and the residence of such member is annexed by such city, he shall be allowed to complete his term of office but shall not be eligible for reappointment.".

3. 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.".

4. In the title, line 7, strike "and"; and in line 8 insert "; and to declare an emergency" after "section".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT–Print Amendments to LB 228

Mr. Stoney asked unanimous consent to print the following amendments to LB 228 in the Journal. No objections. So ordered.

Amendments to LB 228

1. Strike Committee Amendment 3, page 673, and on page 2, line 23, after the period, insert:

"A person filing for the office of trustee to be elected at the election held four years after the first election of trustees and each election thereafter shall designate whether he is a candidate for election by the resident owners of such district, or whether he is a candidate for election by all of the owners of real estate located in the district. The name of such candidate shall appear on only one ballot.";

2. Committee Amendment 4, page 673, line 1, strike "of" and insert "or";

3. Committee Amendment 5, page 673, strike the new matter on lines 5 through 9;

4. Page 3, lines 15, strike "fifty" and insert "sixty-five"; and

UNANIMOUS CONSENT—Print Amendments to LB 220

Mr. DeCamp asked unanimous consent to print the following amendments to LB 220 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 220

1. Strike original sections 1 to 31 and all amendments thereto and insert three new sections as follows:

"Section 1. That section 28-4,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-4,125. (1) Except as authorized by sections 28-459 and 28-4,115 to 28-4,142, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense, a controlled substance; or (b) to create, distribute, or possess with intent to distribute, a counterfeit controlled substance.

(2) Any person who violates subsection (1) of this section with respect to: (a) A controlled substance classified in Schedule I or II of section 28-4,117 which is a narcotic drug shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for a minimum of one year and not more than ten years upon the first felony conviction, for a minimum of five years and not more than twenty years upon the second felony conviction, and for a mandatory fifty years upon the third felony conviction; (b) any other controlled substance classified in Schedule I, II, or III of section 28-4,117, shall, upon conviction thereof, be sentenced to a term of imprisonment for not less than one year nor more than five years in the Nebraska Penal and Correctional Complex, or a fine of not more than two thousand dollars, or to a term of imprisonment in the county jail of not more than six months, or be both so fined and imprisoned; or (c) a controlled substance classified in Schedule IV or V of section 28-4,117 shall, upon conviction thereof, be sentenced to a term of imprisonment for not less than one year nor more than two years in the Nebraska Penal and Correctional Complex, or a fine of not more than one thousand dollars, or to a term of imprisonment in the county jail of not more than six months, or be both so fined and imprisoned.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana,

unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by sections 28-459 and 28-4,115 to 28-4,142, shall, upon conviction thereof, be sentenced to a term of imprisonment not less than one year nor more than two years in the Nebraska Penal and Correctional Complex, or a fine of not more than five hundred dollars, or to a term of imprisonment in the county jail of not more than six months, or be both so fined and imprisoned.

(4) (a) Any person knowingly and unlawfully possessing marijuana weighing more than one avoirdupois ounce but not more than one pound ~~or less~~ shall, upon conviction thereof, be fined not more than five hundred dollars or shall be sentenced to a term of imprisonment in the county jail of not more than seven days, and shall be held separate and apart from other prisoners, or be both so fined and imprisoned.

(b) Any person knowingly and unlawfully possessing marijuana weighing one avoirdupois ounce or less shall, upon conviction thereof, be fined not more than one hundred dollars.

(c) Whenever a person is arrested for a violation of subdivision (4) (b) of this section, the arresting officer shall prepare a written summons to appear in court. Such summons shall contain the name and address of the arrested person, the time and place where such person shall appear, and a place for such person to execute his or her written promise to appear at the time and place indicated on the summons. One copy of such summons shall be given to the person arrested, one copy shall be sent to the court where the arrested person is to appear, and such other copies as may be required by the law enforcement department or agency shall be sent to places designated by such law enforcement department or agency. The time specified in such notice to appear shall be at least five days after such arrest unless the person arrested shall demand an earlier hearing. The place specified in such notice to appear must be before a judge within the county in which the violation charged is alleged to have been committed and who has jurisdiction of such violation. The arrested person, in order to secure release from arrest, must give his written promise to appear in court by signing the summons prepared by the

arresting officer. A warrant shall be issued for the arrest of any person who fails to appear in court. The summons may be waived by payment of the fine prior to hearing.

(5) Any person knowingly and unlawfully possessing marijuana weighing more than one pound shall, upon conviction thereof, be sentenced to a term of imprisonment of one year in the Nebraska Penal and Correctional Complex, or shall be fined not more than five hundred dollars, or shall be sentenced to a term of imprisonment in the county jail of not more than six months, or be both so fined and imprisoned.

(6) If a person is convicted of a violation under this section, as a part of the sentence he shall be required during the period of confinement to complete a confidential interview on drug abuse conducted by one of the community mental health facilities as provided by Chapter 71, article 50, or other licensed drug treatment facility for the purpose of obtaining information on the extent of drug misuse and, when appropriate, to discuss possible rehabilitation. If a person is placed on probation, as a condition of probation he shall satisfactorily attend and complete appropriate treatment and counseling on drug abuse conducted by one of the community mental health facilities as provided by Chapter 71, article 50, or other licensed drug treatment facility.

(7) It shall be unlawful for any person to knowingly or intentionally deliver, distribute, or dispense a substance that such person expressly or implicitly represents to be a controlled substance but which is not in fact such a substance. Any person violating the provisions of this subsection shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than two thousand dollars, or by imprisonment in the Nebraska Penal and Correctional Complex for not less than one year nor more than five years, or by both such fine and imprisonment.

Sec. 2. Any person convicted of the possession of one avoirdupois ounce or less of marijuana who is fined may elect in lieu of payment of such fine, to serve without pay for a sixteen-hour to thirty-two hour period, dependent upon the amount of the fine, picking up and disposing of litter in public areas and on roadsides.

Such service shall be under the supervision of the sheriff of the county in which the defendant was charged.

Sec. 3. That original section 28-4,125, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MOTION – Introduce Bill

Mr. Dworak moved the introduction of a new bill by the Committee on Miscellaneous Subjects. (Req. No. 833).

The motion prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 523. By Miscellaneous Subjects Committee: Dworak, 22nd District, Chairman; F. Lewis, 45th District; Clark, 47th District; Brennan, 9th District; Keyes, 3rd District; Murphy, 17th District.

A BILL FOR AN ACT relating to crimes and punishment; to make it a crime to accept for a fee, directly or indirectly, anything of value to be wagered, transmitted, or delivered for wager in any parimutuel system of wagering on horse races; to provide penalties; and to declare an emergency.

UNANIMOUS CONSENT – Print Amendments to LB 457

Mr. Barnett asked unanimous consent to print the following amendments to LB 457 in the Journal. No objections. So ordered.

1. On page 2, line 11, strike "from and including the first Monday of the January"; in line 13, strike "qualified" and insert "have taken the oath required by this act"; in lines 14 and 15, strike "first Monday in January" and insert "third Tuesday"; in line 17 strike "so to do" and insert "to take such oath"; and in line 25, after "election" insert "to be voted on by the voters of the entire school district".

2. On page 3, line 7, after the period, insert "Candidates shall file a nomination petition."; in line 8, strike "1978" and insert "1979"; and in line 10, strike "1980" and insert "1981".

3. Add a new section 2 as follows:

"Sec. 2. That section 79-902, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

MOTION – Rule Change

Mr. Maresh offered the following rule change:

I request that rule 3(c) be amended after first word bill line 1 insert "or senator with the consent of the introducer".

Referred to the Rules Committee.

EXPLANATION OF VOTE

I intended to vote "Aye" instead of "Nay" on the Murphy motion to I.P.P. LB 77.

(Signed) Jack Mills

UNANIMOUS CONSENT – Bracket LB 232

Mr. Fowler asked unanimous consent to bracket LB 232 until April 5, 1977. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 273. E & R amendment found in the Journal on page 974 for the Forty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT – Change of Order

Mr. Warner asked unanimous consent to consider LB 365 on Select File at this time. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 365. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

Mr. Warner asked unanimous consent to expedite LB 365. No objections. So ordered.

LEGISLATIVE BILL 421. Mr. F. Lewis asked unanimous consent to withdraw his pending motion to indefinitely postpone, found in the Journal on page 1001. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 79. Mr. Reutzel requested a machine vote on advancing LB 79 to E & R Final.

Mr. Cope moved for a Call of the House. The motion prevailed with 16 ayes, 6 nays, and 27 not voting.

Mr. Cope requested a roll call vote.

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Cope	Cullan
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Kahle	Kelly	Koch	Labedz	F. Lewis
Luedtke	Maresh	Marsh	Maxey	Moylan
Murphy	Newell	Nichol	Rasmussen	Rumery
Savage	Schmit	Simon	Swigart	Venditte

Voting in the negative, 15:

Brennan	Burrows	Clark	DeCamp	Duis
Dworak	Hefner	Keyes	Lamb	Marvel
Merz	Mills	Reutzel	Stoney	Warner

Present and not voting, 2:

Chambers Kremer

Excused and not voting, 2:

Carsten R. Lewis

Advanced to E & R for Engrossment with 30 ayes, 15 nays, 2 present and not voting, and 2 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 30 ayes, 0 nays and 19 not voting.

LEGISLATIVE BILL 79A. Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 50
March 23, 1977

Dear Senator Clark:

In a letter to this office you state that you are contemplating an amendment to the Technical Community College law but before you do so

you would like to know if it is constitutional for a technical community college to admit a nonresident student at a rate that is less than compensatory. The same is hereinafter discussed.

Technical community colleges are educational institutions operating and offering programs pursuant to the provisions of Neb. Rev. Stat. Sections 79-2636 to 79-2662 (Supp. 1976). The seminal statute whereby the governing board of each technical community college area is granted the power, duty, and responsibility to establish tuition rates is Neb. Rev. Stat. Section 79-2644(16) (Supp. 1976). That portion of the statute cited states as follows:

> "To establish tuition rates for courses of instruction offered by each college within its area. Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska;"

It is therefore clear that the applicable statutes do not authorize the board of a technical community college area to admit nonresidents for instruction at any such college at a rate that is less than compensatory. Nor would the Constitution of Nebraska permit the same. It is well settled law that:

> "[a] state cannot tax itself for the benefit of the people of another state. So the imposing a tax on one municipality or part of the state, for the purpose of benefiting another municipality or part, violates the rule as to uniformity. No taxing district can be taxed for the exclusive benefit of another district."

See, Peterson v. Hancock, 155 Neb. 801, 817, 54 N.W.2d 85 (1952). We are therefore of the opinion that it would not be constitutional for the board of a technical community college to admit nonresidents to courses of instruction at a rate that is less than compensatory.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 51
March 23, 1977

Dear Senator Maxey:

You have made inquiry about L.B. 441 of the Eighty-fifth Legislature, First Session (1977). As you know, that legislative bill, if enacted into operative law, would repeal Neb.Rev.Stat. Section 79-1705 (Supp. 1976). In connection therewith, you have asked five questions, each of which is hereinafter stated and discussed.

I.

"Would the repeal of 79-1705 eliminate the power of county superintendents, superintendents of the schools and designees of the Commissioner of Education or the School Board of Education to inspect private, denominational, and parochial schools to assess compliance with the provisions of 79-1701 to 79-1707 and the applicable general school laws of the State?"

It would eliminate the county superintendents. It would also eliminate the superintendents of public school districts and designees of local boards of education to assess compliance with the provisions of Neb.Rev.Stat. Sections 79-1701 to 79-1707 (Reissue 1971). Pursuant to the "applicable general school laws of the State" it might be necessary for the secretary of the school district or some person appointed by the governing board of the school district to inspect private, denominational and parochial schools located therein for the purpose of taking the school census. See, Neb.Rev.Stat. Sections 43-646 and 43-646.01 (Supp. 1976); Neb.Rev.Stat. Section 77-1406 (Reissue 1971); Neb.Rev.Stat. Section 79-451 (Reissue 1971); Neb.Rev.Stat. Section 79-458 (Supp. 1976); and Neb.Rev.Stat. Section 79-1006 (Reissue 1971). It would not eliminate designees of the Commissioner of Education pursuant to the "applicable general school laws of the State." See, Neb.Rev.Stat. Section 79-328 (Supp. 1976).

II.

"If repeal of 79-1705 affects such power to inspect private, denominational, and parochial schools for compliance with the provisions of 79-1701 to 79-1707, what power to inspect would remain and in what person, persons, body or bodies would it lie?"

See answer to question I above.

III.

"Would the repeal of 79-1705 and its inspection provisions have the effect of eliminating the power to enforce the provisions of 79-1701 to 1701?"

In legal theory, no. In actual practice, however, there would be no

governmental officer or agency with either the duty or the authority to inspect the private, denominational, or parochial schools and thereby enforce the provisions of Neb.Rev.Stat. Sections 79-1701 to 79-1707 (Reissue 1971), as amended. Consequently the repeal of Neb.Rev.Stat. Sections 79-1705 (Supp. 1976) would at the very least minimize the enforcement of the statutes cited.

IV.

"Would the repeal of 79-1705 have the effect of placing private, denominational, and parochial schools beyond the enforcement of applicable general school laws of the state?"

Our response to the questions stated above are obviously also applicable here. In addition we call your attention to Neb.Rev.Stat. Sections 79-328(5) (c) (Supp. 1976) which grants the State Board of Education the power and duty to establish rules and regulations for "approving" schools and for "the continued legal operation of all schools." The State Board of Education has adopted administrative rules pursuant thereto and staff members of the State Department of Education can and do inspect private, denominational, and parochial schools to assess compliance with said administrative rules.

V.

"Should LB 443 be enacted, would the repeal of 79-1705 eliminate the State Department of Education's power to inspect non-public programs for the education of the handicapped to determine whether such programs warranted approval or continued to meet the standards for approval established by the State Department of Education?"

No. This is convered (sic) by State Board of Education Rule 14-(11) and 14-(47).

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Rule Change

Mr. Bereuter offered the following rule change:

AMENDMENT TO RULE 6 of the
RULES OF THE NEBRASKA UNICAMERAL

1. Amend subsection (i) of section 2 of Rule 6 to read as follows:

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

Referred to the Rules Committee.

VISITORS

The President introduced 35 seniors and teachers from Nebraska Christian High School, Central City; Salme Paukku from Finland who is a student at Bryan Sr. High School; 24 fourth grade students, teachers, and parents from Watson School, Hastings, Nebraska; 85 seniors, teacher, and sponsors from West Point Central Catholic; Gwen and Rex Kroger from Concord, California; and Victor Harms, Harris Holle, and Leon Mundt from Deshler.

RECESS

At 11:54 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:47 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Carsten, the Appropriations Committee, and the Public Works Committee who were excused; and Messrs. Barnett, DeCamp, F. Lewis, Schmit, and the Nebraska Retirement Systems who were excused until they arrive.

MOTION–Withdraw LB 147

Mrs. Maxey renewed her pending motion found in the Journal on page 863 to withdraw LB 147. The motion prevailed.

MOTION–Adjournment

Mr. Reutzel moved to adjourn until 9:00 a.m. The motion lost with 6 ayes, 15 nays, and 28 not voting.

GENERAL FILE

LEGISLATIVE BILL 360. Bracketed until April 22 at the request of Mr. Kahle.

LEGISLATIVE BILL 398. Considered.

Mr. Newell moved for a Call of the House. The motion lost with 7 ayes, 12 nays, and 30 not voting.

Mr. Simon moved to adjourn until 9:00 a.m. The motion lost with 12 ayes, 13 nays, and 25 not voting. The Chair voted "nay" to adjourn.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 4 nays, and 27 not voting.

Mr. Newell moved to recess until 3:00 p.m. The motion lost with 11 ayes, 14 nays, and 24 not voting.

Bracketed until March 30 at the request of Mr. Kahle.

LEGISLATIVE BILL 228. Title read. Considered.

Mr. Stoney renewed his pending amendments found in this day's Journal on page 1015.

The Stoney amendment (1) was adopted with 25 ayes, 0 nays, and 24 excused and not voting.

The Stoney amendments (2), (3), and (4) were adopted with 25 ayes, 0 nays, and 24 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, and 24 excused and not voting.

LEGISLATIVE BILL 368. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 1 present and not voting, and 23 excused and not voting.

LEGISLATIVE BILL 482. Title read. Considered.

Mr. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 24 ayes, 4 nays, and 11 not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, and 16 excused and not voting.

UNANIMOUS CONSENT – Member Excused

Mr. Moylan asked unanimous consent to be excused Thursday, March 24, 1977. No objections. So ordered.

UNANIMOUS CONSENT – Print in Journal

Mr. George asked unanimous consent to print the following amendment to LB 109A in the Journal. No objections. So ordered.

1. On page 2, insert a new section as follows:
"Sec. 3. There is hereby appropriated two hundred five thousand dollars from the Nebraska Outdoor Recreation Development Cash Fund for the period July 1, 1977 to June 30, 1978, to the State Historical Society, Agency 54 for Program 901, for the purpose of planning a Nebraska Heritage Center.".

VISITORS

The President introduced 10 Women Involved in Farm Economics from Scottsbluff, Lyman and Morrill, Nebraska; 11 fifth and sixth grade students and teachers from Valparaiso and Raymond Central No. 161.

MOTION – Adjournment

Mr. Chambers moved to adjourn. The motion prevailed with 23 ayes, 11 nays, and 15 not voting.

At 2:40 p.m., the Legislature adjourned until 9:00 a.m., Thursday, March 24, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTIETH DAY–MARCH 24, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 24, 1977

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 Mr. Moylan who was excused; and Mr. Fowler and Mrs. Labedz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Forty-Ninth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 312. Replaced on Select File as amended.
E & R amendment to LB 312:

1. On page 7, line 6, strike "nineteen years" and insert "~~nineteen years~~ majority".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 42. Placed on General File as amended.
Standing Committee amendments to LB 42:

1. Insert a new section to read:

"Sec. 92. That section 21-17,126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-17,126. The real estate and tangible personal property of a credit union shall be subject to taxation in the same manner as provided by law in the case of other corporations and individuals. In lieu of all other taxes on intangible property, credit unions shall be assessed and taxed ~~four mills~~ four-tenths of one cent on the dollar of their gross interest income during the preceding calendar year. Every credit union, liable to a tax on its gross interest income under this section, shall on March 1 of each year make a report, sworn to by some official of the credit union, to the county assessor or county clerk where he is ex officio county assessor, stating the amount of its gross earnings from all sources for the preceding calendar year. Such taxes shall be assessed and collected in the taxing district where the principal office or place of business of the credit union is located. Nothing herein contained shall prevent holdings in any credit union, organized under sections 21-1760 to 21-17,120, from being included in the valuation of the personal property of the owners or holders thereof in assessing taxes imposed by the authority of the state or any political subdivision thereof in which the credit union is located; Provided, that the duty or burden of collecting or enforcing the payment of such tax shall not be imposed upon any such credit union.".

2. Renumber original sections 92 to 208 as sections 93 to 209.

3. Insert a new section to read:

"Sec. 210. That section 77-1252, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-1252. An annual excise tax is hereby levied on all grain or seed produced, harvested, received, processed, or transported for the purpose of sale or resale, and for each such time physically handled the same shall be taxed at the following rates:

(1) Upon wheat, corn, soybeans, dry edible beans, and flax produced, ~~four mills~~ four-tenths of one cent per bushel;

(2) Upon all other grains including vetch produced, ~~two mills~~ two-tenths of one cent per bushel;

(3) Upon all seed produced, ~~fifteen mills~~ one and five-tenths cents per hundred pounds, clean seed basis; and an additional ~~fifteen mills~~ one and five-tenths cents per hundred pounds, clean seed basis for each transaction of receiving, handling, processing, or transporting for the purpose of sale or resale of seed;

(4) Upon all grain received, handled, processed, or transported by the first dealer, ~~one mill~~ one-tenth of one cent; and

(5) Upon all grain received, handled, processed, or transported by any dealer subsequent to the first dealer, ~~one half mill~~ one-twentieth of one cent. The tax levied by subdivisions (1), (2), and (3) of this section shall, when applicable, be apportioned between the landlord and the tenant in the same proportion in which the grain or seed is divided between them.".

4. Renumber original sections 209 to 266 as sections 211 to 268.

5. On page 314, line 19, insert "21-17,126," after the first comma.

6. On page 315, line 8, insert "77-1252," after the fourth comma.

7. On page 4, line 18, page 52, line 10, page 205, line 16, page 247, line 18, page 272, line 9, and page 308, line 6, strike "seven-eighths" and insert "eight-tenths".

8. On page 5, line 21, page 45, line 18, page 46, line 26, page 91, line 4, page 141, line 10, page 145, line 14, page 170, line 5, page 173, line 13, page 185, line 17, page 203, lines 5, 8, and 24, page 204, line 4, page 206, line 12, page 270, line 11, and page 312, line 17, strike "three-fourths" and insert "seven-tenths".

9. On page 6, line 11, strike "nine-tenths" and insert "eight-tenths".

10. On page 24, line 24, page 159, line 12, page 160, line 13, and page 275, line 27, strike "thirty-five hundredths" and insert "three-tenths".

11. On page 40, line 3, reinstate "per cent" and insert "seven-tenths" prior thereto; and in lines 3 and 4, strike "seventy cents on each one hundred dollars".

12. On page 41, line 14 reinstate "per cent" and prior thereto insert "one and four-tenths"; and strike the new matter in line 15.

13. On page 44, line 19, page 54, line 5, page 99, line 15, page 137, line 20, page 144, line 19, and page 186, line 2, strike "one-fourth" and insert "two-tenths".

14. On page 92, line 9, reinstate "per cent" and prior thereto insert "one"; and in lines 9 and 10, strike the new matter except "actual".

15. On page 95, lines 17 and 18, strike "cent on each one hundred dollars" and in line 18 reinstate "per cent".

16. On page 114, line 26, page 204, line 27, and page 254, line 1, strike "five-eighths" and insert "six-tenths".

17. On page 140, line 11, reinstate "of one per cent" and prior thereto insert "two-tenths"; and strike the new matter in lines 11 and 12.

18. On page 144, line 1, strike "three-fourths" and insert "seventy-five hundredths".

19. On page 217, line 22, page 218, lines 12 and 25, page 221, line 11, page 224, line 18, page 225, lines 6 and 15, page 226, lines 10 and 25, page 227, line 24, page 230, line 27, page 234, line 12, page 237, line 9, page 239, line 27, page 241, lines 13 and 21, page 248, line 10, page 249, line 25, page 272, lines 18 and 22, page 273, line 1, page 276, line 22, page 284, line 22, page 291, line 10, page 302, line 13, page 304, lines 8 and 9 and line 17, page 305, line 20, and page 307, line 25, strike "one half" and insert "five-tenths".

20. On page 247, line 7, strike "six-tenths" and insert "five-tenths".

21. On page 310, line 4 and lines 11 and 12, strike "and one-tenth".

(Signed) Orval A. Keyes, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 22. Mr. F. Lewis moved to return LB 22 to Select File for the specific amendment found in the Journal on page 709 previously offered by Mr. Stoney.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 4 nays, and 12 not voting.

The F. Lewis motion lost with 18 ayes, 24 nays, 5 present and not voting, and 2 excused and not voting.

A BILL FOR AN ACT to repeal section 79-1906, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska School for the Deaf.

Whereupon the 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	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Dworak
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Swigart	Warner

Voting in the negative, 7:

Barnett	Duis	Kelly	Marvel	Murphy
Rasmussen	Stoney			

Present and not voting, 5:

Chambers	Fitzgerald	F. Lewis	Simon	Venditte

Excused and not voting, 2:

Fowler	Moylan

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

LEGISLATIVE BILL 176.

A BILL FOR AN ACT to amend section 53-146, Reissue Revised Statutes of Nebraska, 1943, relating to liquors; to eliminate the requirement that certain premises be open to view; and to repeal the original section, and also section 53-167, 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, 31:

Barnett	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	Goodrich	Hasebroock	Hefner
Kahle	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Marsh	Merz	Murphy	Newell
Nichol	Reutzel	Savage	Simon	Swigart
Warner				

Voting in the negative, 15:

Bereuter	George	Kelly	Keyes	Koch
Kremer	Maresh	Marvel	Maxey	Mills
Rasmussen	Rumery	Schmit	Stoney	Venditte

Present and not voting, 1:

Chambers

Excused and not voting, 2:

Fowler Moylan

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

LEGISLATIVE BILL 230. Mr. DeCamp asked unanimous consent to bracket LB 230 until Tuesday, March 29, 1977. No objections. So ordered.

LEGISLATIVE BILL 230A. Mr. DeCamp asked unanimous consent to bracket LB 230A until Tuesday, March 29, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Member Excused

Mrs. Marsh asked unanimous consent to be excused at 10:10 a.m., until noon today. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 457. Placed on General File.

(Signed) Frank Lewis, Chairman

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 520	Friday, April 1, 1977	12:15 p.m.
LB 521	Friday, April 1, 1977	12:15 p.m.
LB 522	Friday, April 1, 1977	12:15 p.m.

(Signed) Jerome Warner, Chairman

MOTION—Override Veto on LB 389

Mrs. Maxey renewed her pending motion found in the Journal on page 1001 to override the Governor's veto on LB 389.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 5 nays, and 17 not voting.

Mrs. Maxey moved for a Call of the House. The motion prevailed with 36 ayes, 1 nay, and 12 not voting.

Mrs. Maxey requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	DeCamp	Fitzgerald
Goodrich	Hefner	Kelly	Koch	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Murphy	Newell	Nichol	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 14:

Clark	Cullan	Duis	Dworak	Hasebroock
Kahle	Keyes	Kremer	Lamb	R. Lewis
Mills	Rasmussen	Reutzel	Rumery	

Present and not voting, 2:

George Labedz

Excused and not voting, 2:

Fowler Moylan

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 389A

Mrs. Maxey renewed her pending motion found in the Journal on page 1002 to override the Governor's veto on LB 389A.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 2 nays, and 12 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 31:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	DeCamp	Fitzgerald
Goodrich	Hefner	Kelly	Keyes	Koch
F. Lewis	Luedtke	Maresh	Marvel	Maxey
Merz	Murphy	Newell	Nichol	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 14:

Clark	Cullan	Duis	Dworak	George
Hasebroock	Kahle	Kremer	Lamb	R. Lewis
Mills	Rasmussen	Reutzel	Rumery	

Present and not voting, 1:

Labedz

Excused and not voting, 3:

Fowler	Marsh	Moylan

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mr. Barnett moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

The Barnett pending amendment found in the Journal on page 921 was renewed.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

COMMUNICATIONS ON LB 389 and LB 389A

March 24, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 389 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 389 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 389 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 24th day of March, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

March 24, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 389A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 389A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 389A 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 24th day of March, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

MOTION–Place LB 170 on General File

Mr. Koch renewed his pending motion found in the Journal on page 908 to advance LB 170 to General File from committee.

Mr. Duis asked unanimous consent to be excused for a short time. No objections. So ordered.

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

Mr. Koch moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Nichol requested a record vote.

Voting in the affirmative, 27:

Bereuter	Boughn	Brennan	Chambers	Cope
DeCamp	Fitzgerald	Fowler	George	Goodrich
Keyes	Koch	F. Lewis	Luedtke	Marsh
Marvel	Maxey	Mills	Murphy	Newell
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 18:

Barnett	Carsten	Clark	Cullan	Dworak
Hasebroock	Hefner	Kahle	Kelly	Kremer
Labedz	Lamb	R. Lewis	Maresh	Nichol
Rasmussen	Reutzel	Schmit		

Present and not voting, 2:

Burrows Merz

Excused and not voting, 2:

Duis Moylan

The motion prevailed with 27 ayes, 18 nays, 2 present and not voting, and 2 excused and not voting.

LB 170 was placed on General File.

UNANIMOUS CONSENT—Withdraw Motion on LB 337

Mr. Fitzgerald asked unanimous consent to withdraw his pending motion found in the Journal on page 1003 to advanced LB 337 to General File from committee. No objections. So ordered.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will hold an executive session at 12:15 p.m. on Monday, March 28, 1977, in Room 1019.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 327. Placed on General File as amended.
Standing Committee amendments to LB 327:

1. On page 4, reinstate the stricken matter in lines 18 to 22; in line 22, after the reinstated period, insert "The board

shall set the rates in such a manner that total sales and use tax revenues shall not exceed total individual income tax revenues in any particular year."; and in line 23, strike "(e)" and reinstate the stricken matter.

2. On page 5, line 5, strike "(f)" and reinstate the stricken matter; and in line 9, strike "(g)" and reinstate the stricken matter.

(Signed) Orval Keyes, Chairman

Business and Labor

LEGISLATIVE BILL 337. Placed on General File.

(Signed) Richard Maresh, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 77, 79, 79A, 111, 126, 273, 365, 401, 462, and 473.

(Signed) Samuel K. Cullan, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
521	Appropriations
522	Appropriations
523	Misc. Subjects

(Signed) R. D. Marvel, Chairman; Jack Mills; R. Lewis; John S. Savage; W. E. Nichol; Steve Fowler; Larry D. Stoney; Roland Luedtke; and Douglas Bereuter.

NOTICE OF COMMITTEE HEARING
Committee on Committees

The Committee on Committees will meet at 12:00 noon, Tuesday, March 29, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

William E. Peters
State Tax Commissioner, State Capitol, Lincoln, Nebraska, reappointment to Code of Ethics Board.

Donald R. Treadway
Fullerton, Nebraska, reappointment to Code of Ethics Board.

Norman L. Stadtler
107 Abbey Landing Rt. 1, Valley, Nebraska, appointment to Motor Vehicle Industry Licensing Board.

(Signed) John S. Savage, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 39. Read and Considered.

LR 39 was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

VISITORS

The President introduced 60 third and fourth grade students, teachers and parents from Norwood Park School, Lincoln; Messrs. George and Dan Stoney, relatives of Senator Stoney; 92 eighth grade students, teachers and sponsors from St. Thomas Catholic School, Omaha; 7 members from the John J. Cavanaugh Care Center, Omaha; Messrs. Esser and Proffer, representing the National Conference of State Legislatures; 8 senior high students and teacher from Crete High School, Crete.

RECESS

At 11:56 a.m., on a motion by Speaker Luedtke, 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. Marvel, Barnett, and Maresh who were excused until they arrive.

EXPLANATION OF VOTE

Had I been present I would have voted Aye on LR 39.

(Signed) Jerome Warner

MESSAGES FROM THE SECRETARY OF STATE

March 24, 1977

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

RE: LB 389, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on March 24, 1977, at 10:41 A.M., LB 389. Along with LB 389, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 389 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 the 24th day of March, 1977."

Further, I hereby acknowledge that LB 389, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) Allen J. Beermann
Secretary of State

March 24, 1977

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

RE: LB 389A, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on March 24, 1977, at 10:41 A.M., LB 389A. Along with LB 389A, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 389A 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 24th day of March, 1977."

Further, I hereby acknowledge that LB 389A, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) Allen J. Beermann
Secretary of State

SELECT FILE

LEGISLATIVE BILL 294. E & R amendment found in the Journal on page 1005 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 459. E & R amendment found in the Journal on page 1014 for the Forty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 419. E & R amendments found in the Journal on page 1014 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 481. E & R amendments found in the Journal on page 1015 for the Forty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 21. Title read. Considered.

Standing Committee amendments found in the Journal on page 786 for the Fortieth Day were adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

The Savage pending amendment found in the Journal on page 929 was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

The Barnett pending amendment found in the Journal on page 966 was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Mrs. Maxey asked unanimous consent to be excused until 4:10 p.m. today.

Mr. Duis offered the following amendment:

Amend LB 21 Page 5 Line 3 strike one and insert two and in line 24 strike the word dollar and insert the word dollars.

The amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 10 nays, and 20 not voting.

Laid over.

LEGISLATIVE BILL 499. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 157. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 324. Title read. Considered.

Standing Committee amendments found in the Journal on page 810 for the Forty-First Day was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Mills asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 112. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 454. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 456. Title read. Considered.

Standing Committee amendment found in the Journal on page 829 for the Forty-Second Day was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 510. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT—Print Amendment to LB 38

Mr. Bereuter asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 38

Article 13

1. On page 245, line 13 strike "This" and insert "Sections 345 to 349 of this act shall become operative on their effective date. The other sections of this".

2. Insert the following new sections:

"Sec. 345. There is hereby created the Nebraska Criminal Code Review Committee. Such committee shall be in existence from the effective date of this act until July 1, 1978, on which date the committee shall cease to exist.

Sec. 346. The committee shall consist of seven members as follows:

(1) A district judge;

(2) A county judge;

(3) A county attorney;

(4) A public defender;

(5) A lawyer who is and has been a member of the bar of the State of Nebraska for five years or more;

(6) A designee of the Attorney General; and

(7) The Revisor of Statutes.

Except for the member designated by the Attorney General and the Revisor of Statutes, the Governor shall make the appointments to the committee.

Sec. 347. The committee shall review and study the Nebraska Criminal Code and related legislation passed by the Legislature in order to eliminate ambiguities,

inconsistencies, errors, or any other defects that would disrupt the orderly implementation of such code. The committee shall provide the Legislature with technical assistance, advice, and information concerning the Nebraska Criminal Code, and on or before December 1, 1977, document its findings in the form of a report to be submitted to the Executive Board of the Legislative Council. The committee shall recommend to such board any amendments to the criminal code and related legislation that it deems necessary.

Sec. 348. The members of the committee shall be reimbursed for their actual and necessary expenses on the same basis and subject to the same conditions as full-time state employees.

Sec. 349. The Nebraska Criminal Code Review Committee may employ a general counsel and such other staff as may be necessary to carry out its duties under sections 345 to 349 of this act.".

3. Renumber remaining sections accordingly.

ANNOUNCEMENT

Mr. DeCamp announced an executive session of the Banking, Commerce, and Insurance Committee at 8:30 a.m., Friday, March 25, 1977, under the north balcony.

UNANIMOUS CONSENT–Members Excused

Mr. Koch asked unanimous consent to be excused Friday, March 25, 1977 and Monday, March 28, 1977. No objections. So ordered.

The Appropriations Committee asked unanimous consent to be excused at 4:00 p.m. for a committee hearing. No objections. So ordered.

Mr. Kelly asked unanimous consent to be excused Friday, March 25, 1977. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 425. Title read. Considered.

Laid over.

LEGISLATIVE BILL 391. Title read. Considered.

Standing Committee amendments found in the Journal on page 839 for the Forty-Third Day were adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 494. Title read. Considered.

Standing Committee amendments found in the Journal on page 855 for the Forty-Third Day were adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Mr. Warner offered the following amendment:
On page 4, line 1, strike "Health" and insert "Health's Nebraska Health Manpower Referral Service."

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 61. Title read. Considered.

Standing Committee amendments printed separate from the Journal (Req. No. 2532) referred to in the Journal on page 856 were considered.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 8 nays, and 18 not voting.

Standing Committee amendments were adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Laid over.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 236. Placed on General File as amended.
Standing Committee amendments to LB 236:

1. Strike original sections 1 to 15 and insert two new sections as follows:

"Section 1. A transfer of roads from state to county or county to state may be made notwithstanding the provisions of section 39-1315.01 if a memorandum of understanding is signed by both the transferring unit of government and by the unit of government assuming jurisdiction over the road. The memorandum shall contain a statement that the transfer is mutually agreed upon and any conditions or limitations on the transfer including, but not limited to, the engineering standards which the highway or road must meet. The unit of government which receives allocations from the highway user fund,

may obligate and expend such money to compensate, by cash, materials, or services, the unit of government which is assuming jurisdiction over and responsibility for the section of highway or road.

Sec. 2. In addition to the provisions of section 1 of this act, when the responsibility for a highway or road is transferred from one jurisdiction to another, there shall be an amount of five hundred dollars per mile per year deducted from the subdivision of government transferring the road or highway to another system. Such amount shall be placed into the allocation of the subdivision of government assuming the road.".

LEGISLATIVE BILL 185. Indefinitely postponed.
LEGISLATIVE BILL 214. Indefinitely postponed.
LEGISLATIVE BILL 252. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 494A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 494, Eighty-fifth Legislature, First Session, 1977.

EXPLANATION OF VOTE

Had I been present on Monday, March 21, 1977, I would have voted as follows on Final Reading:

LB 58	Yes
LB 152	Yes
LB 190	Yes
LB 203	Yes
LB 265	Yes
LB 275	No
LB 275A	No
LB 304	Yes
LB 307	Yes
LB 334	Yes
LB 335	Yes
LB 336	Yes
LB 487	Yes

(Signed) Calvin F. Carsten

GENERAL FILE

LEGISLATIVE BILL 238. Title read. Considered.

Standing Committee amendments found in the Journal on page 856 for the Forty-Third Day were adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Laid over.

LEGISLATIVE BILL 483. Mr. Duis asked unanimous consent to bracket LB 483 until March 31, 1977.

Mr. George objected.

Mr. Duis moved to bracket LB 483 until March 31, 1977.

Mr. George withdrew his objection. No objections. So ordered.

LEGISLATIVE BILL 74. Title read. Considered.

Standing Committee amendments found in the Journal on page 862 for the Forty-Third Day were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 86. Title read. Considered.

Standing Committee amendment found in the Journal on page 862 for the Forty-Third Day was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

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

Advanced to E & R for Review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT—Print Amendment to LB 440

Mr. Lamb asked unanimous consent to print the following amendment to LB 440 in the Journal. No objections. So ordered.

Amendment to LB 440
Page 2 line 21 reinstate "may" line 22 strike "shall"
Page 3 line 14 strike "shall" and insert "may".

ADJOURNMENT

At 4:30 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, March 25, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIRST DAY--MARCH 25, 1977

LEGISLATIVE JOURNAL

FIFTY-FIRST DAY—MARCH 25, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 25, 1977

Pursuant to adjournment, the Legislature met at 9:00 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 under-estimated.
>
> 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. Kelly and Koch who were excused and Mr. F. Lewis who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fiftieth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Duis asked unanimous consent to be excused this afternoon. No objections. So ordered.

APPRECIATION

A note of appreciation was received from Mr. and Mrs. Calvin Carsten, family of Martha Ruge.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 421. Replaced on Select File as amended.
E & R amendments to LB 421:

1. In lieu of the Barnett and Cullan amendments, on page 2, lines 11 and 12, strike "thousand" and insert "~~thousand~~ hundred"; insert an underscored period after the second "dollars" in line 12 and strike the rest of the sentence and show as stricken.

2. In lieu of the Kremer amendments, on page 2, line 7, strike "well" and insert "~~well~~ system" and strike "such" and insert "~~such~~ the"; and in line 8 insert "pump" after "well".

3. In the title, line 5, insert "to clarify provisions; to reduce penalties;" after the semicolon.

LEGISLATIVE BILL 228. Placed on Select File as amended.
E & R amendments to LB 228:

1. In committee amendments, page 4, strike beginning with the comma in line 6 through the third comma in line 7 and show as stricken.

2. In committee amendments, page 5, strike beginning with the first comma in line 7 through the second comma in line 8 and show as stricken; and strike beginning with "referred" in line 17 through "section" in line 18 and show as stricken.

3. In the Stoney amendment 1, line 7, strike the comma.

4. The error being corrected occurring only in the Journal and not in the committee amendment, strike the Stoney amendment 2.

5. In lieu of the Stoney amendment 4, on page 3, line 15, strike "fifty" and insert "~~fifty~~ sixty-five".

6. In committee amendments, page 7, line 8, insert "election" after "The" and strike the same in line 9.

7. In committee amendments, page 8, line 4, insert an underscored comma after "seasonal".

8. In the title, line 2, strike "section 31-735" and insert "sections 31-727, 31-735, and 31-735.02"; in line 4 insert "to provide additional purposes;" after the semicolon and insert "in which" at the end of the line; in line 5 insert "to provide for notices; to provide for compensation;" after the semicolon; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 368. Placed on Select File.

LEGISLATIVE BILL 482. Placed on Select File as amended.
E & R amendment to LB 482:
1. On page 2, lines 10 and 11, strike ", as aforesaid," and show as stricken.

Correctly Enrolled

The following bills were correctly enrolled: 22 and 176.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 22, 176, and LR 39.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 376. Indefinitely postponed.

(Signed) Donald Dworak, Chairman

ANNOUNCEMENT

Mr. Dworak announced the Miscellaneous Subjects Committee will hold an executive session Tuesday, March 29, 1977, at 8:00 a.m. in Room 1019.

RESOLUTIONS

LEGISLATIVE RESOLUTION 41.

Introduced by Rasmussen, 41st District.

WHEREAS, there has been an increasing public awareness of the ban against the use of Laetrile, and

WHEREAS, some Americans are traveling to foreign countries to secure this substance with the hope that it possess medicinal value, and

WHEREAS, some persons believe that this substance, Laetrile, may be a useful tool to prevent, diminish, or cure the symptoms of cancer;

NOW BE IT THEREFORE RESOLVED THAT THE PUBLIC HEALTH AND WELFARE COMMITTEE OF THE EIGHTY-FIFTH SESSION OF THE NEBRASKA LEGISLATURE:

Conduct an interim study of the value of Laetrile as a treatment for cancer, the reason for any prohibition of this drug, and any proposed changes which might be made in the existing prohibition rules, laws, or statutes.

Referred to the Executive Board.

BILL ON FIRST READING

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

LEGISLATIVE BILL 305A. By Maxey, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT–Member Excused

Mr. Hefner asked unanimous consent to be excused from 10:20 a.m. until noon. No objections. So ordered.

Mr. Barnett asked unanimous consent to be excused this afternoon. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 40. Read and considered.

Mr. Venditte moved the previous question. The motion failed to receive 5 seconds.

Mr. Mills offered the following amendment:
Amend para 1 and 2 and 3 to read The Governors of the several states represented on The Old West Regional Comm.

The amendment lost with 15 ayes, 19 nays, 12 present and not voting, and 3 excused and not voting.

LR 40 was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce, and Insurance

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendment to LB 260:
1. On page 2, line 6, strike "windstorm", and reinstate "tornado".

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendment to LB 373:
1. On page 3, line 1 strike "forty-five" and insert "~~forty-five~~ sixty-eight".

LEGISLATIVE BILL 478. Placed on General File.
LEGISLATIVE BILL 500. Placed on General File.

(Signed) John W. DeCamp, Chairman

Public Works

LEGISLATIVE BILL 217. Placed on General File as amended.
Standing Committee amendments to LB 217:

1. On page 2, line 13, after "to" insert "control or"; in line 23, a fter the period, insert "Any such order may be issued against an individual, partnership, association, corporation, company, cooperative, irrigation district, or irrigation company."; and after line 26, insert a new subsection (4) as follows:

"(4) Any new rules and regulations adopted by the district in accordance with this section shall recognize the necessity of properly managed return flows.".

2. Insert two new sections as follows:

"Sec. 2. That section 46-666, Revised Statutes Supplement, 1976, be amended to read as follows:

46-666. (1) The district shall by order, after a hearing conducted pursuant to section 46-665, the record of which shall include the testimony of a representative of the Conservation and Survey Division of the University of Nebraska and the Nebraska Natural Resources Commission, adopt one or more of the following controls, which shall be subject to approval by the director:

(a) It may determine the permissible total withdrawal of ground water in the designated control area for each day, month, or year, and allocate such withdrawal among the ground water users within the area;

(b) It may adopt and enforce a system of rotation for use of ground water in the control area;

(c) It may adopt well-spacing requirements more restrictive than those found in Chapter 46, article 6; and

(d) It may adopt such other reasonable regulations as are necessary to carry out the intent of this act.

(2) If because of varying hydrologic or geologic conditions existing within the control area, the uniform application throughout such area of one or more controls would fail to carry out the intent of this act in a reasonably effective and equitable manner, the controls adopted by the district pursuant to subsection (1) of this section may contain different provisions for different portions of the control area. Any differences

in such provisions shall recognize and be directed toward such varying conditions. The provisions of all controls shall be uniform for all portions of the control area which have substantially similar hydrologic and geologic conditions.

~~(2)~~ (3) If the district determines, following a public hearing conducted pursuant to section 46-665, that depletion of the ground water 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. Such areas may be further closed thereafter by a similar procedure for additional one-year periods. Any 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.

~~(3)~~ (4) The district shall cause a copy of each order adopted pursuant to this section to be published once each week for three consecutive weeks in a local newspaper published or of general circulation in the area involved, the last publication of which shall be not less than ten days prior to the date set for the effective date of such order.

~~(4)~~ (5) Whenever a control area, designated pursuant to section 46-658, encompasses portions of two or more districts, the responsibilities and authorities delegated in this section and section 46-665 shall be exercised jointly and uniformly by agreement of the respective boards of directors of all districts so affected.

~~(5)~~ (6) If, at the end of one year following a hearing conducted pursuant to section 46-665, the district or districts conducting such hearing have not adopted a specific control or controls pursuant to subsection (1) of this section, the power to specify such controls shall vest in the director who shall, within ninety days thereafter, adopt by rule and regulation such control or controls as he shall deem necessary for carrying out the intent of this act. Subject to section 46-667, the enforcement of controls adopted pursuant to this section shall be the responsibility of the district or districts involved.

~~(6)~~ (7) If the power to adopt a control or

controls shall be vested in the director, he shall be provided with a copy of all information, testimony, and data available to the district or districts as a result of the public hearing for the adoption of a control or controls. At his discretion, the director may conduct one or more additional public hearings prior to making his determination or selection of controls. Notice of any such additional hearings shall be given in the manner provided in section 46-658.

Sec. 3. (1) In order to conserve surface water supplies and to prevent the inefficient or improper runoff of surface water, after the effective date of this act, each person who uses surface water irrigation in the state 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 natural resources district shall adopt, following public hearing, notice of which shall be given in the manner provided in section 46-658, rules and regulations necessary to prohibit surface runoff of water derived from surface water irrigation. Such rules and regulations shall prescribe (a) standards and criteria delineating what constitutes the inefficient or improper runoff of surface water used in irrigation, (b) procedures to prevent, control, and abate such runoff, (c) measures for the construction, modification, extension, or operation of remedial measures to prevent, control, or abate runoff of surface 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 to this section.".

3. On page 3, line 1, strike "section 46-664", and insert "sections 46-664 and 46-666"; and in line 2, strike "is" and insert "are".

4. Renumber original section 2 as section 4.

(Signed) Maurice A. Kremer, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 38

Mr. DeCamp asked unanimous consent to print amendments to LB 38 in the Journal. No objections. So ordered.

Amendments to LB 38
Article 7

1. On page 120, before line 1, insert a new subsection (2) as follows:

"(2) A parent or guardian who refuses to pay hospital costs, medical costs, or any other costs arising out of or in connection with an abortion procedure performed on a minor child or minor stepchild does not commit criminal nonsupport if:

(a) Such parent or guardian was not consulted prior to the abortion procedure; or

(b) After consultation, such parent or guardian refused to grant consent for such procedure, and the abortion procedure was not necessary to preserve the minor child or stepchild from an imminent peril that substantially endangered her life or health.".

2. On page 120, line 1 strike "(2)" and insert "(3)"; in line 3 strike "(3)" and insert "(4)"; in line 5 strike "(4)" and insert "(5)"; and in line 7 strike "(5)" and insert "(6)".

UNANIMOUS CONSENT–Print Amendment to LB 86

Mr. Swigart asked unanimous consent to print the following amendment to LB 86 in the Journal. No objections. So ordered.

Amendment to LB 86

Amend LB 86 on page 3, line 8, strike words "of such bonds" and the period, and add "of interest and principal on the bonds as the bonds become due".

SELECT FILE

LEGISLATIVE BILL 109. Mr. Reutzel asked unanimous consent to hold over until Monday, March 28, 1977. No objections. So ordered.

LEGISLATIVE BILL 109A. Mr. Reutzel asked unanimous consent to hold over until Monday, March 28, 1977. No objections. So ordered.

LEGISLATIVE BILL 264. Mr. Burrows renewed his pending motion found in the Journal on page 989 to indefinitely postpone.

Mr. Merz 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 indefinitely postpone lost with 7 ayes, 32 nays, 8 present and not voting, and 2 excused and not voting.

Mr. Newell moved to bracket LB 264 until March 30, 1977.

Mr. Cullan 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 motion to bracket lost with 16 ayes, 22 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment with 30 ayes, 7 nays, 10 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 44. Placed on General File as amended.
Standing Committee amendments to LB 44:

1. Strike original sections 1 to 10 and insert the following:

"Section 1. That section 84-901, Revised Statutes Supplement, 1976, be amended to read as follows:

84-901. As used in sections 84-901 to 84-916:

(1) Agency ~~means~~ shall mean each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules, except the Adjutant General's office as provided in Chapter 55, the courts, including the Nebraska Workmen's Compensation Court, the Court of Industrial Relations, and the Legislature;

(2) Rule ~~means~~ shall mean any rule, regulation, or standard issued by an agency, including the amendment or repeal thereof whether with or without prior hearing and designed to implement, interpret, or make specific the law enforced or administered by it or governing its organization or procedure but not including regulations concerning the internal management of the agency not affecting priviate rights, private interests, or procedures available to the public, and not including permits, certificates of public convenience and necessity, franchises, rate orders, and rate tariffs, and any rules of interpretation thereof, and for the purpose of this act every rule which shall prescribe a penalty shall be presumed to have general applicability or to affect private rights and interests; ~~and~~

(3) Contested case ~~means~~ shall mean a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or

constitutional right to be determined after an agency hearing; and.

(4) Committee shall mean the Legislature's Administrative Rules and Regulations Review Committee, which shall be a standing committee.

Sec. 2. (1) There is hereby created and established the Legislature's standing committee to be known as the Administrative Rules and Regulations Review Committee, to be composed of seven members of the Legislature, who shall be nominated and elected, as members and officers thereof, in the same manner as other standing committees of the Legislature.

(2) The committee shall meet (a) at the call of the chairperson, (b) upon a call signed by any two members of the committee, or (c) upon a call signed by any five members of the Legislature.

Sec. 3. (1) The committee shall promote the adoption and promulgation of adequate and proper rules and regulations by agencies, and an understanding upon the part of the public respecting such rules and regulations.

(2) In carrying out its powers and duties under this act, the committee shall:

(a) Determine whether the administration of programs, created by the Legislature, are consistent with legislative intent;

(b) Inquire and determine whether legislation which created a particular program is meeting the needs that existed at the time of enactment;

(c) Recommend new legislation to correct deficiencies in law disclosed by program evaluation; and

(d) Review agency operations to determine if they are efficient, honest, and responsive to the needs of the people of this state.

Sec. 4. (1) The powers and duties conferred upon the Legislature's Committee on Administrative Agency Rules and Regulations shall be conferred upon the Administrative Rules and Regulations Review Committee on January 4, 1978. On January 4, 1978, the Legislature's Committee on Administrative Agency Rules and Regulations shall be terminated and the Administrative Rules and Regulations Review Committee shall have its membership filled and shall begin its duties.

(2) The committee shall have the authority to receive and investigate complaints and to hold public hearings on such complaints with respect to rules and regulations if it considers such complaints meritorious and worthy of attention. The committee may, on the basis

of testimony and other evidence received at such public hearings, and upon an affirmative vote of a majority of its members, recommend to the respective agency that it either amend the rule complained of to conform to the needs of the people affected by such rule, or repeal the rule as not being consistent with legislative intent or responsive to the issue addressed by the enabling legislation.

Sec. 5. If an agency shall not have amended or repealed a rule or regulation complained of within thirty days after such recommendation of the committee, pursuant to section 4 of this act, and after notice and hearing, pursuant to section 84-907, the committee may, upon an affirmative vote of at least five members, suspend such rule or regulation.

Sec. 6. If any rule or regulation is suspended, the committee shall place before the Legislature, at the next regular session or at the next special session upon the consent of the Governor, a bill to repeal such suspended rule or regulation. Such legislative bill shall contain precisely and exclusively the subject matter or, whenever practicable, the text of the suspended rule or regulation and shall not be amendable.

Sec. 7. If such legislative bill is defeated or fails in enactment in any other manner, the rule or regulation shall stand and the committee shall not suspend it for at least twelve calendar months. If such legislative bill is enacted into law, the rule or regulation shall be repealed and shall not be adopted again unless a properly enacted law specifically authorizes the adoption of such rule or regulation.

Sec. 8. That section 84-902, Revised Statutes Supplement, 1976, be amended to read as follows:

84-902. (1) Each agency shall file with the Revisor of Regulations, no sooner than June 30, 1975, nor later than August 31, 1975, two certified copies of the rules in force and effect for such agency on that date. Thereafter, each agency shall file annually with the Revisor of Regulations two certified copies of any amendments or modifications to the rules in force and effect for such agency no later than June 30 of each year. The Revisor of Regulations shall place and keep one of the certified copies in a permanent file and shall file the remaining certified copy as a library copy to be used by the Legislature.

(2) Each agency shall file forthwith in the office of the Secretary of State a certified copy of the rules in force and effect in such agency on August 10,

1945. A certified copy of any rule adopted after August 10, 1945 shall likewise be so filed. The Secretary of State shall keep a permanent file of all such rules, which shall be open to public inspection during regular business hours of his office. The Secretary of State, in order to maintain and keep such files current, shall be empowered to require new and amended rules to be filed as complete file pages and to remove all superseded pages to a separate file. Each agency shall file with the Secretary of State, no sooner than June 30, 1975, nor later than August 31, 1975, a certified copy of the rules in force and effect for such agency on that date. Each agency shall annually file with the Secretary of State a certified copy of any amendments or modifications to rules in force and effect for such agency no later than June 30 of each year.

(3) Rules filed with the Revisor of Regulations and the Secretary of State pursuant to this section shall be filed in the manner and form prescribed by the Revisor of Regulations. The Revisor of Regulations shall, no later than January 1, 1975, issue instructions to all state agencies setting forth the format to be followed by all agencies in submitting regulations to the Revisor of Regulations and the Secretary of State. Such instructions shall provide for a uniform page size, a generally uniform and clear indexing system, and annotations including designation of enabling legislation and court or agency decisions interpreting the particular rule or regulation. For good cause shown, the Revisor of Regulations, with the consent of the chairman of the ~~Legislature's Committee on~~ Administrative ~~Agency~~ Rules and Regulations Review Committee ~~established under section 84-908,~~ may grant exceptions to the uniform page size requirement and the general indexing instructions for any agency.

(4) Prior to June 30, 1975, each agency shall undertake a complete and thorough review of rules in force and effect for such agency. Regulations that are outdated, inadequate, and repetitions shall be deleted or modified and all of the rules shall be recodified in conformity with instructions issued by the Revisor of Regulations. All modifications to agency rules shall be made in conformity with section 84-907 far enough in advance of the filing deadline to insure that a final revised copy of the agency rules may be certified and filed with both the Revisor of Regulations and the Secretary of State by the filing deadline.

(5) The Clerk of the Legislature shall deliver to

the Revisor of Regulations all records and materials pertaining to administrative rules and regulations on file in the clerk's office.

Sec. 9. That section 84-904, Revised Statutes Supplement, 1976, be amended to read as follows:

84-904. (1) The Revisor of Regulations shall file with the ~~Legislature's Committee on~~ Administrative ~~Agency~~ Rules and Regulations Review Committee, ~~established under section 84-908,~~ no sooner that June 30, 1975, nor later than August 31, 1975, and thereafter annually no later than January 1 a certified copy of the rules in force and effect for each agency on that date.

(2) The ~~Legislature's Committee on~~ Administrative ~~Agency~~ Rules and Regulations Review Committee shall review such agency rules and regulations and shall have the power to exercise its authority and procedures pursuant to sections 3 to 7 of this act and may recommend to the Legislature that the original enabling legislation serving as authority for promulgation of such ruls be repealed, changed, altered, amended, or modified in such manner as it deems advisable. Any agency rule or regulation promulgated under a statutory grant of authority shall become null and void upon the effective date of any statute which repeals, changes, alters, amends, or modifies such statutory grant of authority.

Sec. 10. That section 84-908, Revised Statutes Supplement, 1976, be amended to read as follows:

84-908. ~~No~~ Except as otherwise provided in sections 3 to 7 of this act, no adoption, amendment, or repeal of any rule shall become effective until the same shall have been approved by the Governor and filed with the Revisor of Regulations after a hearing has been set on such rule pursuant to section 84-907. ~~After such hearing, any~~ Any rule properly adopted by any agency shall be filed with the Revisor of Regulations and by that office referred to ~~a committee of nine members of the Legislature to be known as~~ the ~~Legislature's Committee on~~ Administrative Agency Rules and Regulations Review Committee. ~~which is hereby created. At the commencement of each regular session in odd-numbered years the Legislature shall elect to the committee three members from each of the three congressional districts as such districts are constituted on August 24, 1975. Nominations for membership on such committee shall be made by the caucus for each congressional district. 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.~~

Sec. 11. That section 84-908.01, Revised Statutes Supplement, 1976, be amended to read as follows:

84-908.01. (1) The committee ~~created by section 84-908~~ shall maintain a continuous study to evaluate the rules adopted by agencies, shall make recommendations to aid public understanding of rules and regulations, and shall make an annual report to the Legislature and the Governor of its activities during the past year, and shall include therein its recommendations for legislative action pursuant to sections 3 to 7 of this act and section 84-904., ~~at the beginning of each session of the Legislature.~~

(2) The committee may meet and employ such personnel as may be necessary to perform its duties.

Sec. 12. This act shall become operative on January 4, 1978.

Sec. 13. That original sections 84-901, 84-902, 84-904, 84-908, and 84-908.01, Revised Statutes Supplement, 1976, are repealed.".

LEGISLATIVE BILL 229. Indefinitely postponed.

LEGISLATIVE BILL 250. Indefinitely postponed.

(Signed) Dennis L. Rasmussen, Chairman

SELECT FILE

LEGISLATIVE BILL 283. Mr. Fowler asked unanimous consent to have the bill laid over and the following amendments printed in the Journal. No objections. So ordered.

AMENDMENTS TO LB 283

1. Insert a new section to read as follows:

"Section 1. That section 25-1601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1601. (1) All citizens of the United States residing in any of the counties of this state and having the qualifications of electors in such counties, who are over the age of ~~twenty-one~~ eighteen years and under the age of seventy years and who are intelligent, of fair character, of approved integrity, well informed, able to read, write, and understand the English language, of sound mind and discretion, and free from all disqualifications herein set forth and from all other legal exceptions, are and shall be competent persons to

serve on all grand and petit juries in their respective counties. Persons disqualified to serve as either grand or petit jurors are: Judges of any court, clerks of the Supreme or district courts, sheriffs, jailers, persons who have served either as petit or grand jurors in any court of record within two years previous to the time their names are drawn as jurors, either as petit or grand jurors, persons, or the wife or husband of any such person, who are parties to suits pending in the district court of the county of his, her, or their then residence for trial at that jury panel, persons who have been convicted of a criminal offense punishable by imprisonment in the Nebraska Penal and Correctional Complex, and persons who are subject to liability for the commission of any offense which by special provision of law does and shall disqualify them. Persons who are husband and wife shall not be jurors on the same panel.

(2) Any persons belonging to any of the following classes, who shall make such request to the court, shall be exempt from serving on grand and petit juries: (a) Coroners; (b) ministers of the gospel; (c) county commissioners or supervisors; (d) practicing attorneys; (e) practicing physicians; (f) practicing dentists; (g) druggists; (h) postmasters; (i) carriers of the United States mail; (j) licensed embalmers; (k) members of a fire department or company of any city or village or any member of any such company who has retired after ten years or more of service; (l) members of the national or state guard; (m) clerks of any court other than Supreme or district courts; (n) persons subject to a bodily infirmity amounting to a disability; (o) members of the Legislature during the term for which elected; and (p) public and parochial school teachers during the term of school.

Nothing in this section set forth shall be deemed to prohibit the district court or any judge thereof, from exercising, in its or his sound discretion, the power of excusing any grand or petit juror or any person summoned for grand or petit jury service, for any disclosed reason or cause which is deemed good and sufficient by such court or judge; Provided, in districts having more than one judge of the district court, the court may by rule or order assign or delegate to the presiding judge or any one or more judges the sole authority to grant such excuses.".

2. On page 3, strike beginning with "If" in line 15 through the period in line 18 and show as stricken.

3. On page 5, line 6, after "sections" insert

12 "25-1601,"; and in line 8, after "1943," insert "and also
13 section 25-1601.01, Reissue Revised Statutes of Nebraska,
14 1943,".
15 4. Renumber original sections 1 through 4 as
16 sections 2 through 5, respectively.

LEGISLATIVE BILL 312. E & R amendment found in the Journal on page 1028 for the Fiftieth Day was adopted.

Advanced to E & R for Engrossment.

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 253. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 465. Placed on General File as amended.
Standing Committee amendments to LB 465:
1. Strike sections 1 to 3.
2. On page 6, line 11, strike "section 2 of this act" and insert "the Federal Trade Commission trade regulation rule concerning preservation of consumer's claims and defenses.".

(Signed) John DeCamp, Chairman

GENERAL FILE

LEGISLATIVE BILL 182. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 574. No objections. So ordered.

Mr. Venditte renewed his pending amendment found in the Journal on page 561.

The Venditte amendment was adopted with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Goodrich moved to indefinitely postpone.

Mr. Goodrich asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Messrs. DeCamp and Simon offered the following amendment:

AMENDMENTS TO LB 182

1. Strike sections 1 to 3 and insert new sections as follows:

"Section 1. The Legislature finds that the use of balefill sites and bales refuse as a method of waste disposal is important to all Nebraskans. The purpose of this act is to allow and control the use of baled refuse and balefill sites for the protection of public health and the environment.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Baled refuse shall mean garbage, rubbish, and other discarded solid or semisolid materials which are compacted by a compacting machine for the purpose of being disposed of at a balefill sight; and

(2) Balefill disposal site shall mean dumps, dump sites, landfills, landfill sites, transfer stations, and waste compactor stations.

Sec. 3. Nothing in this act shall be interpreted as prohibiting the use of dirt, stone, brick, or some inorganic material for landfill, landscaping, evacuation, or grading.

Sec. 4. City shall mean any city of the metropolitan, primary and first class.

Sec. 5. After the effective date of this act, the following criteria shall be analyzed and considered prior to the construction and establishment of any balefill disposal site.

(1) Current and projected use of water resources in the potential zone of influence of the balefill disposal site;

(2) Groundwater elevation and proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation;

(3) Potential interrelationship of the balefill disposal site, local aquifers, and surface waters based on historical records or other sources of information;

(4) Background and initial quality of water resources in the potential zone of influence of the balefill disposal site;

(5) Proposed location and design of observation wells, sampling stations, and testing program planned;

(6) Description of soil and bedrock to a depth adequate to allow evaluation of the water quality protection provided by the soil and bedrock;

(7) Provisions for surface water runoff control to minimize infiltration and erosion of cover material.

On-site drainage structures and channels should be designed for at least twenty-year rainfall frequency; and

(8) Potential of leachate generation and proposed control systems, where necessary, for the protection of ground and surface water resources. Where a leachate treatment system is designed to have a discharge to the waters of this state, the plans for the leachate treatment system must be submitted to the Department of Environmental Control for review and approval. Any required discharge permits must be obtained from the Department of Environmental Control. An operation and maintenance program including the administration and financing of the leachate treatment system during and following the balefill disposal operation shall be provided to the Department of Environmental Control.

Sec. 6. A site shall be located at least one thousand five hundred feet from any public or domestic water supply or well, any public water supply water intake from a body of static water, or one mile upstream or one thousand feet downstream from a river intake.

Sec. 7. A balefill disposal site shall be located at least one quarter mile from any well in existence at the time of application with the governing body of the county or city for the construction of such facility, which well draws, for human or livestock consumption, from an acquirer that underlies the balefill disposal site.

Sec. 8. (1) Surface water courses and runoff shall be diverted from the balefill disposal site, especially from the working face, by devises such as trenches, conduits, and proper grading. The balefill disposal site shall be constructed and graded so as to promote rapid surface water runoff without excessive erosion. Regrading shall be done as required during construction and after completion to avoid ponding of precipitation and to maintain cover material integrity.

(2) Leachate collection and treatment systems are to be used where necessary to protect ground and surface water resources. This shall apply for as long a period as necessary during and following the active operation.

(3) Ground or surface water shall not be allowed to come in contact with solid wastes so as to impair the water's use.

Sec. 9. A balefill disposal site shall be located at least one thousand feet from the nearest edge of the right-of-way of any state, interstate, or federal highway at the time of commencment of construction of the facility.

Sec. 10. The design, construction, and operation of the balefill disposal site shall minimize environmental hazards and shall conform to applicable ambient air quality and source control regulations.

Sec. 11. The operation of a balefill disposal site shall include an effective dust control program.

Sec. 12. The operation of a balefill disposal site shall include effective noise control and odor control programs.

Sec. 13. The operation of a balefill disposal site shall include programs and plans for the control of rodents. Such programs and plans shall be implemented when necessary to control rodents.

Sec. 14. Open burning of solid waste shall be prohibited unless a variance or exception is obtained from the Department of Environmental Control permitting the open burning of tree trunks, tree limbs, vegetation, and untreated waste lumber. In areas operating under exemption certificates from the Department of Environmental Control, approval shall be obtained from the local pollution control agency. The operating procedures and location for such open burning practices must be submitted to the Department of Environmental Control for review and written approval.

Sec. 15. Decomposition gases generated within the balefill disposal site shall be controlled on-site, as necessary, to avoid posing a hazard to occupants of adjacent property.

Sec. 16. Plans for the construction of a balefill site shall assess the need for gas control and indicate the location and design of any vents, barriers, or other control measures to be provided.

Sec. 17. (1) Decomposition gases shall not be allowed to migrate laterally from the balefill disposal site to endanger occupants of adjacent properties. They shall be vented to the atmosphere directly through the cover material, cut-off trenches, or ventilation systems in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures.

(2) Decomposition gases shall not be allowed to concentrate in a manner that will pose an explosion or toxicity hazard.

Sec. 18. The balefill disposal site shall be designed and operated at all times in an aesthetically acceptable manner.

Sec. 19. (1) Portable litter fences or other devices shall be used in the immediate vicinity of the working face and at other appropriate locations to

control blowing litter. At the end of each operating day, or more often as required, litter shall be removed from the fences and the grounds and incorporated into the area being used. Alternatively, the litter may be containerized for disposal on the next operating day.

(2) Wastes that are easily moved by wind shall be covered, as necessary, to prevent their becoming airborne and scattered.

(3) On-site vegetation should be cleared only as necessary. Natural windbreaks, such as green belts, should be maintained where they will improve the appearance and operation of the balefill disposal site.

(4) Salvage operations shall be conducted in such a manner as to not detract from the appearance of the balefill disposal site. Salvaged materials shall be removed from the balefill disposal site daily or stored in aesthetically acceptable containers or enclosures.

Sec. 20. Plans for the construction of a balefill disposal site shall include specifications as to surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration. Final side slopes shall not exceed thirty-three and one third per cent.

Sec. 21. In the event the Director of the Department of Environmental Control determines that any provision of this act or any standard, rule, regulation, final order or approved plan promulgated pursuant thereto is being, was, or is in imminent danger of being violated, the director may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent any such violation or further violation and for the assessment of a penalty not to exceed one thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. Suit can be brought in any county where the defendant's principal place of business is located or where the violation occurred.

Sec. 22. In addition to the procedures provided by section 21 of this act, an individual may bring an action for injunctive relief and damages against the operation of a balefill disposal site.

Sec. 23. Any balefill disposal site in operation as of the effective date of this act which does not comply with the provisions of this act shall cease operations until such facility complies with such provisions.

Sec. 24. Since an emergency exists, this act shall be in full force and effect, from and after its

passage and approval, according to law.".

Mr. Goodrich offered the following amendment to the DeCamp-Simon amendment:

Amendments to White Copy Amendments to LB 182

1. On page 3, line 16 after the period insert "For purposes of this section water supply shall not include buried water supply piping or water supply piping in buildings or other facilities."; in line 23 after "site" insert "as determined by the local pollution control agency".

2. On page 4, line 12 after the period insert "The local pollution control agency shall make the determination as to when the water's use becomes impaired."; in line 13 strike "A" and insert "Any new", in line 13 after "site" insert "constructed on or after the effective date of this act"; in line 16 after "highway" insert a period; strike beginning with "at" in line 16 through the period in line 17; in line 23 after "program" insert "reviewed and approved by the Department of Environmental Control"; in line 26 after "programs" insert "reviewed and approved by the Department of Environmental Control".

3. On page 6, line 9, after the period insert "The Department of Environmental Control shall adopt and promulgate rules and regulations to carry out this section.".

4. On page 7, line 7 after "infiltration" insert "and shall assure access to the site".

5. Strike section 22.

6. On page 8, line 3 after "act" insert "on or before July 1, 1982,".

7. Strike section 24.

8. Renumber section 23 as section 22.

Amendment pending.

Mr. Nichol asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

Mr. F. Lewis moved to return LB 182 to the Agriculture and Environment Committee with the proposed amendments.

Mr. Chambers 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 F. Lewis motion to return LB 182 to Agriculture and Environment Committee prevailed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 42.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Brennan, 9th District; Fitzgerald, 14th District.

WHEREAS, agreement has been reached on a contract between the Department of Labor and Locals 35 and 58, Council 32 of the American Federation of State, County & Municipal Employees, AFL-CIO, concerning many aspects of employment with a department; and

WHEREAS, section 48-837, Reissued Revised Statutes of Nebraska, 1943, requires legislative approval of such contract.

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

That the Legislature approves such contract.

Laid over.

LEGISLATIVE RESOLUTION 43.

Introduced by Cope, 36th District.

WHEREAS, cancer is the common foe of all mankind and will strike 690,000 Americans this year, 5,300 of which will be Nebraskans; and

WHEREAS, many forms of cancer are curable if detected early and treated properly; and

WHEREAS, one of three who now get cancer is being cured but at least half of those who get cancer could and should be saved by early diagnosis and prompt treatment; and

WHEREAS, the American Cancer Society, in addition to support of vital research, alerts the public to cancer's warning signals, and conducts other programs of public and professional education; and

WHEREAS, many cancers can be prevented, such as lung cancer, mainly caused by cigarette smoking, and most skin cancers, caused by frequent exposure to direct sunlight; and

WHEREAS, the medical profession is kept informed by the American Cancer Society of the latest advances in the treatment of cancer and nurses are informed how best to care for cancer patients; and

WHEREAS, the American Cancer Society provides useful and compassionate aid to women who have had breast surgery, through its Reach to Recovery program, and conducts other rehabilitation programs seeking to improve the quality of survival; and

WHEREAS, April is Cancer Control Month, by Presidential Proclamation and Congressional Resolution; and

WHEREAS, the citizens of the State of Nebraska and the Nebraska State Legislature have a vested interest in continuing their support of the fight against cancer.

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

1. That the month of April be declared Cancer Control Month.

2. That all citizens of the State of Nebraska be urged to support the educational and fund-raising efforts of the American Cancer Society as part of Cancer Control Month in April.

Laid over.

UNANIMOUS CONSENT—Print Amendment to LB 100

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 100 in the Journal. No objections. So ordered.

Amendments to LB 100

1. Strike the original sections and insert the following:

"Section 1. It is hereby declared to be the public policy of this state that existing retail service area boundaries established in accordance with Chapter 70, article 10, shall remain fixed and stable until January 1, 1980.

Sec. 2. That section 70-1008, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1008. In the absence of an agreement between the suppliers affected and notwithstanding the provisions of subdivisions (1) to (5) of section 70-1007:

(1) In the zoning area surrounding any municipality and outside the corporate limits thereof, if such municipality operates a retail system, it shall have the right to serve such zoning area at retail except as to such customers as are presently served by other suppliers. Such a municipality may acquire the facilities of other suppliers in such zoning area by negotiation.

(2) In determining the service area of a municipally-owned electric system, there shall be included, as a maximum, the corporate area of the municipality, the zoning area outside the corporate limits of such municipality, and the area beyond the zoning area which is presently being served by such municipality, including not more than the area one half mile on each side of the line presently used by such municipality to serve its existing customers, except for

customers presently served by other suppliers. When any new customer outside the corporate limits of any municipality and outside the zoning limits surrounding such municipality locates closer to electric lines owned by other suppliers in the municipal service area as provided for in this section, in case of disagreement, the question of which supplier shall serve such new customer shall be submitted to the Nebraska Power Review Board for determination under the standards set forth in section 70-1007.

(3) Notwithstanding any other provision of law, until January 1, 1980, the Nebraska Power Review Board shall not have authority to modify retail service areas and no supplier of electricity shall offer or provide electric service to additional ultimate users outside of the presently existing service area of such supplier, except (a) suppliers shall have authority by express written agreement and waiver to change service areas or customers to be served with the approval of the Nebraska Power Review Board, and (b) a municipality shall be entitled, with approval of the board, to extension of service area to include areas within the corporate limits of a municipality, which have actually in place, extended and available to those desiring such service, sewer service, water service, and police and fire protection.

Sec. 3. That section 70-1009, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1009. If two or more suppliers, one of which is municipally owned, serve the same municipality at retail, the municipally-owned supplier shall have first preference to acquire the service area, customers, and facilities of any other supplier providing service at retail within such part of the zoning area surrounding such municipality as becomes annexed to such municipality, except that until January 1, 1980, any revision of service area boundaries or customers to be served shall be subject to subsection (3) of section 70-1008.

Sec. 4. That section 70-1010, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1010. The board shall have authority upon application by a supplier at any time to modify service areas or customers to be served as previously established. The same procedures as to notice, hearing, and decision shall be followed as in the case of an original application. Suppliers shall have authority by

agreement to change service areas or customers to be served with the approval of the board. This section shall not apply to agreements referred to in subsection (2) of section 70-1002, except that until January 1, 1980, any revision of service area boundaries or customers to be served shall be subject to subsection (3) of section 70-1008.

Sec. 5. That section 70-1011, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

70-1011. Except by agreement of the suppliers involved, no supplier shall offer electric service to additional ultimate users outside its service area or construct a new electric line or extend an existing line into the service area of another supplier for the purpose of furnishing service to ultimate users therein without first applying to the board and receiving approval thereof, after due notice and hearing under rules and regulations of the board. Such approval shall be granted only if the board finds that the customer or customers proposed to be served cannot or will not be furnished adequate electric service by the supplier in whose service area the customer is located, or that the provision thereof by such supplier would involve wasteful and unwarranted duplication of facilities. This section shall not apply to agreements referred to in subsection (2) of section 70-1002, except that until January 1, 1980, any revision of service area boundaries or customers to be served shall be subject to subsection (3) of section 70-1008.

Sec. 6. That original sections 70-1008, 70-1009, 70-1010, and 70-1011, Reissue Revised Statutes of Nebraska, 1943, are repealed.

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.".

MOTION—Introduce Bill

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce, and Insurance. (Req. No. 834).

The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

BILL ON FINAL READING

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

LEGISLATIVE BILL 524. By Banking, Commerce, and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Merz, 1st District; Swigart, 8th District; Schmit, 23rd District; Duis, 39th District; Murphy, 17th District.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to limit the bringing of certain actions; and to state legislative policy.

ANNOUNCEMENT

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 9:45 a.m., Monday, March 28, 1977.

RESOLUTION

LEGISLATIVE RESOLUTION 44.

Introduced by Chambers, 11th District.

WHEREAS, the laws of Nebraska specify limitations on actions which are time limits beyond which civil actions may not be taken against offending parties; and

WHEREAS, such statutes of limitation are intended as a safeguard of our legal system which precludes the working of inequities which could result from pressing claims long after they first develop; and

WHEREAS, these statutes on the limitations on actions have been the object of many arbitrary and piecemeal changes without thorough consideration of the total effect such changes may have on the system of justice the limitations on actions are intended to serve.

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

1. That the Legislature's Judiciary Committee conduct an interim study of all civil statutes concerning limitations on actions in an effort to determine the current reasonableness and acceptability of each.

2. That the committee make a report of its findings together with any recommendations for comprehensive legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION–Return LB 355 to Select File

Mr. R. Lewis moved to return LB 355 to Select File for the following specific amendment:

AMENDMENTS TO LB 355

1. Insert a new section 1 to read as follows:

"Section 1. That section 77-2715, Revised Statutes Supplement, 1976, be amended to read as follows:

77-2715. (1) A tax is hereby imposed for each taxable year on the entire income of every resident individual of this state and on the income of every nonresident individual of this state which is derived from sources within this state. The tax shall be a flat percentage of, for each resident individual, the taxpayer's adjusted federal income tax liability for the taxable year, and for each nonresident individual, the taxpayer's adjusted federal income tax liability for the taxable year which is attributable to income derived from sources within this state.

The taxpayer's adjusted federal income tax liability shall be the amount of federal income tax, as determined under Subtitle A, Chapter I, subchapter A, Parts I, V, and VI of the Internal Revenue Code, for which the taxpayer would have been liable if such taxpayer had paid federal income tax based on federal taxable income as adjusted by the modifications provided in section 77-2716 without any allowance for credits against such tax permitted under the Internal Revenue Code.

The adjusted federal income tax liability of each nonresident individual taxpayer which is attributable to income derived from sources within this state shall be determined by multiplying his adjusted federal income tax liability by a fraction, the numerator of which is his taxable income derived from sources within this state as determined by section 77-2733, and the denominator of which is his total federal taxable income, after first subtracting from each the amounts provided in subsection (1) of section 77-2716; Provided, that if the above determination attributes more or less federal income tax than is reasonably attributable to income derived from sources within this state, the taxpayer may petition for, of the Tax Commissioner may require, the employment of any other method to attribute an amount of federal income tax which is reasonable and equitable in the circumstances.

(2) (a) A resident of this state shall mean an individual who is domiciled in Nebraska or who maintains a permanent place of abode in this state and spends in the aggregate more than six months of the taxable year in this state; ~~and~~

(b) A nonresident shall mean an individual who is not a resident of this state; and~~.~~

(c) An individual serving on active duty in the armed forces of the United States who is outside the State of Nebraska for more than one taxable year shall be

considered to be a nonresident of Nebraska for purposes of the state income tax under subsection (1) of this section.

(3) (a) There shall also be allowed to resident individuals as a credit against the tax imposed by sections 77-2714 to 77-27,135, a food sales tax credit equal to sixteen dollars 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.

(b) No individual who may be claimed as a personal exemption on another individual's return shall be entitled to a food sales tax credit or refund for himself. If a food sales tax credit or refund is claimed on more than one return for the same individual, the Tax Commissioner is authorized to determine the individual entitled to claim the credit or refund provided herein.

(c) Any individual, other than a person who for more than six months of the taxable year is a resident patient or inmate of a public institution or an organization exempt from tax as a charitable institution, who maintains a permanent place of abode within this state, spending in the aggregate more than six months of the taxable year within this state, shall be conclusively presumed to have paid or paid with respect to such personal exemptions retail sales and use taxes imposed by this state equal to the maximum food sales tax credit allowable.

(d) The credits or refunds for sales taxes allowed by this subsection shall be claimed on income tax returns or in the case of an individual not having tax liability in this state on such forms or claims for refunds as the Tax Commissioner shall prescribe.

(4) Credits to minors, including any child whose parent or guardian is a recipient of aid to dependent children, shall be claimed by the parent or guardian.".

2. On page 3, line 17 after "1943," insert "and section 77-2715, Revised Statutes Supplement, 1976,"; and in line 17 strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 2 and 3 repectively.

Motion pending.

MOTION—Return LB 365 to Select File

Mr. Barnett moved to return LB 365 to Select File for the following specific amendment:

Amendment to LB 365 Final Reading

1. Insert a new section 5 to read as follows:

"Sec. 5. The reimbursement of expenses before July 1, 1976, authorized by this act, are hereby ratified and shall not be subject to attack for the sole reason that they were not authorized at the time. All expenses authorized by this act which were incurred by a member of any state commission, council, committee, or board after July 1, 1976, for which reimbursement has not been made, shall be paid to such member pursuant to this act.".

2. Renumber original sections 5 and 6 as sections 6 and 7 respectively.

3. In the title, line 6 after the semicolon insert "to ratify certain acts;".

The motion prevailed with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 365. The Barnett specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

UNANIMOUS CONSENT—Bracket LB 273

Mr. F. Lewis asked unanimous consent to bracket LB 273 until April 13, 1977. No objections. So ordered.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 320. Indefinitely postponed.

LEGISLATIVE BILL 286. Placed on General File as amended.
Standing Committee amendment to LB 286:

1. Strike original section 3 and insert a new section 3 as follows:

"Sec. 3. There is hereby created the Suggestion Award Board. The membership of such board shall consist of the Director of Personnel, the Director of Administrative Services, and the Auditor of Public Accounts. The board

shall establish rules and regulations to aid in carrying out the provisions of sections 5 and 6 of this act.".

(Signed) Dennis L. Rasmussen, Chairman

MOTION–Friday Sessions

Mr. Chambers moved to not meet on Friday unless affirmative vote is taken to do so.

Mr. F. Lewis 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 Chambers motion lost with 14 ayes, 22 nays, 10 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. Marvel, Clark, R. Lewis, and the Appropriations Committee asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Carsten asked unanimous consent to be excused until he arrives this afternoon. No objections. So ordered.

RECESS

At 12:07 p.m., on a motion by Speaker Luedtke, 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. Barnett, Brennan, Clark, Duis, Kelly, Koch, Marvel and the Appropriations Committee who were excused; and Mr. Nichol who was excused until he arrives.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 294.

Correctly Engrossed

The following bills were correctly engrossed: 419, 459, 459A, and 481.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 425. Considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 12 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 448. Placed on General File as amended.
Standing committee amendments to LB 448:

1. Strike original sections 2, 3, 4, and 5.
2. On page 7, line 22 strike "sections" and insert "section"; in lines 22 and 23 strike "32-4,104, 72-224.03, and 84-1204,"; and strike beginning with "and" in line 24 through "are" in line 25 and insert "is".
3. Renumber original sections 6 and 7 as sections 2 and 3 respectively.

(Signed) Dennis L. Rasmussen, Chairman

NOTICE OF COMMITTEE HEARING
Banking, Commerce and Insurance

LB 524 Monday, April 4, 1977 12:00 noon

(Signed) John W. DeCamp, Chairman

GENERAL FILE

LEGISLATIVE BILL 61. Laid over at the request of Mr. Swigart.

LEGISLATIVE BILL 238. Laid over at the request of Mr. Savage.

LEGISLATIVE BILL 124. Title read. Considered.

Standing Committee amendment found in the Journal on page 875 for the Forty-Fourth Day was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 497. Laid over at the request of Mr. George.

LEGISLATIVE BILL 303. Title read. Considered.

Standing Committee amendments found in the Journal on page 896 for the Forty-Fifth Day were adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Murphy offered the following amendment:

Amend LB 303 page 11 lines 8 and 9 – strike "or" insert "(2)" before the word "omitting" in line 9. Renumber subsequent subsections.

The amendment was adopted with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 6 present and not voting, and 17 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendments to LB 161:

1. On page 6, line 27 and page 7, lines 1 and 2, strike the new matter.
2. On page 8, reinstate the stricken matter beginning with line 10 through the period in line 26.
3. On page 13, line 15, after "agencies", insert "if both the employer and complainant have been notified of the filing".
4. On page 15, line 9, strike the new matter, and reinstate the stricken period; and strike lines 10 to 27.
5. On page 16, strike the new matter in lines 1 to 10.
6. On page 18, line 6, after "enforcement", insert "through the office of the Attorney General".
7. On page 20, line 14, reinstate the stricken matter; and in lines 22 and 23, strike the new matter.

8. On page 23, line 16, strike the new period, and reinstate the stricken matter; and reinstate the stricken matter in line 17.

LEGISLATIVE BILL 162. Placed on General File as amended.
Standing Committee amendments to LB 162:

1. On page 5, line 20, after "enforcement" insert "through the office of the Attorney General".

2. On page 6, reinstate the stricken matter and strike the new matter in lines 3, 4, 6, 7, and 8; and in lines 4 and 8, strike "thirty" and insert "~~thirty~~ ninety".

LEGISLATIVE BILL 269. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

UNANIMOUS CONSENT—Print Amendment to LB 161

Mr. Stoney asked unanimous consent to print the following amendment to LB 161 in the Journal. No objections. So ordered.

Amendment to LB 161

1. On page 12, strike beginning with "The" in line 7 through the period in line 10, show as stricken, and insert "The commission shall appoint an executive director who shall be directly responsible to the commission. The executive director may appoint such assistants, clerks, agents and other employees as he may deem necessary, fix their compensation within the limitations provided by law, and prescribe duties of such employees. The executive director may appoint additional staff as the commission deems necessary."

UNANIMOUS CONSENT—Member Excused

Mr. DeCamp asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 305. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 305A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 506. Title read.

Laid over at the request of Mr. Schmit.

LEGISLATIVE BILL 440. Laid over at the request of Mr. F. Lewis.

LEGISLATIVE BILL 445. Title read. Considered.

Standing Committee amendment found in the Journal on page 909 for the Forty-Fifth Day was considered.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 5 nays, and 24 not voting.

Laid over.

LEGISLATIVE BILL 196. Title read. Considered.

Standing Committee amendment found in the Journal on page 921 for the Forty-Sixth Day lost with 19 ayes, 9 nays, 3 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 26 ayes, 2 nays, 3 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 445

Mr. Lamb asked unanimous consent to print the following amendment to LB 445 in the Journal. No objections. So ordered.

Amend the committee amendment by striking the words "within their territorial boundaries".

UNANIMOUS CONSENT—Print Amendments to LB 38

Mr. Simon asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 38
Article 7

1. On page 118, line 20 strike "or engage in sexual intercourse"; after line 22 insert "(2) Any person who shall engage in sexual intercourse with his or her parent or child commits incest."; and in line 23 strike "(2)" and insert "(3)".

2. On page 119, line 1 strike "(3)" and insert "(4)".

GENERAL FILE

LEGISLATIVE BILL 486. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 274. Title read. Considered.

Standing Committee amendments found in the Journal on page 953 for the Forty-Seventh Day were adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 430. Title read. Considered.

Mr. Hefner offered the following amendment:

AMENDMENT TO L.B. 430

1. 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.".

Mr. Venditte 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 Hefner amendment was adopted with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT–Member Excused

Mrs. Maxey asked unanimous consent to be excused for a short time. No objections. So ordered.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 366. Placed on General File as amended.
Standing Committee amendments to LB 366:
1. On page 15, strike beginning with "The"
in line 19 through the period in line 22.
2. On page 15, line 14, strike "(4)" and
show as stricken; and in line 23, strike "(5)" and
insert "~~(5)~~ (4)".

LEGISLATIVE BILL 207. Indefinitely postponed.

(Signed) John DeCamp, Chairman

UNANIMOUS CONSENT–Print Amendment to LB 196

Mr. Stoney asked unanimous consent to print the following amendment to LB 196 in the Journal. No objections. So ordered.
Page 2, Line 25 change the word "Shall" to "May".

GENERAL FILE

LEGISLATIVE BILL 345. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 467. Title read. Considered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

LEGISLATIVE BILL 91. Title read. Considered.

Standing Committee amendments found in the Journal on page 978 for the Forty-Eighth Day were adopted with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 484. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 503. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 80. Title read. Considered.

Standing Committee amendment found in the Journal on page 990 for the Forty-Eighth Day was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 186. Laid over at the request of Mr. Bereuter.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 110. Title read. Considered.

Standing Committee amendments found in the Journal on page 995 for the Forty-Eighth Day were adopted with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 184. Mr. Schmit asked unanimous consent to bracket until April 15, 1977. No objection. So ordered.

LEGISLATIVE BILL 201. Laid over at the request of Mr. Reutzel.

LEGISLATIVE BILL 494A. Title read. Considered.

Mr. Luedkte moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Luedtke moved the Call be raised. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 388. Title read. Considered.

Standing Committee amendment found in the Journal on page 1002 for the Forty-Eighth Day was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Chambers moved to indefinitely postpone.

The motion lost with 6 ayes, 17 nays, 8 present and not voting, and 18 excused and not voting.

Mr. Chambers moved to bracket LB 388 until April 4, 1977. The motion lost with 6 ayes, 16 nays, 9 present and not voting, and 18 excused and not voting.

Laid over.

UNANIMOUS CONSENT–Print Amendments to LB 258

Mr. Goodrich asked unanimous consent to print the following amendments to LB 258 in the Journal. No objections. So ordered.

AMENDMENTS TO L.B. 258

1. On page 2, line 6 after "requirements" insert "and housing requirements"; in line 7 after "banking" insert "and savings and loan associations"; in line 12 after "bank" insert "or federal savings and loan association"; in lines 13, 14, and 17 after "bank" insert "or savings and loan association"; and in line 15 after "8-115" insert a comma and strike "and", and in line 15 after the comma insert "and 8-301,".

2. On page 3, line 1 after "bank" insert "and savings and loan association"; in lines 10, 12, 16, and 20 after "banks" insert "and savings and loan associations"; and in line 22 after "bank" insert "and savings and loan association".

3. On page 4, lines 7 and 10 after "banks" insert "and savings and loan associations"; and in lines 23, 24, and 26 after "bank" insert "or savings and loan association".

4. On page 5, line 12 after "banks" insert "and savings and loan associations".

VISITORS

The President introduced 35 members from International Association of Fairs and Expositions; and 10 seventh and eighth grade students and teachers from Lutheran School, North Platte.

ADJOURNMENT

At 4:36 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 10:00 a.m., Monday, March 28, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SECOND DAY—MARCH 28, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 28, 1977

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 weekend 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, morrally 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 false 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 the Appropriations Committee, Mrs. Labedz and Mr. Koch who were excused; and Messrs. Chambers and Reutzel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1042, line 13, delete engrossment, and insert Re-engrossment.
The Journal for the Fiftieth Day was approved as corrected.

Page 1074, line 42, delete "FINAL" and insert "FIRST".
The Journal for the Fifty-First day was approved as corrected.

MESSAGE FROM THE GOVERNOR

March 25, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 58, 125, 152, 190, 203, 265, 275, 275A, 307, 334, 335, 336, and 487, and Reengrossed Legislative Bills Nos. 304 and 267.

These bills were signed by me on March 25, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 28, 1977, at 9:25 a.m., were the following bills: 22 and 176.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 365. Replaced on Select File as amended.
E & R amendment to LB 365:

1. In the Barnett amendments, line 3, insert "now" after the second comma, insert "section 2, 3, or 4 of" after "by" and strike "are" and insert "is"; in line 5 strike "they were" and insert "it was"; and in line 6 insert "section 2, 3, or 4 of" after "by".

LEGISLATIVE BILL 499. Placed on Select File.
LEGISLATIVE BILL 157. Placed on Select File.

LEGISLATIVE BILL 324. Placed on Select File as amended.
E & R amendments to LB 324:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 133, Eighty-fifth Legislature, First Session, 1977" after "1976"; on page 6, after line 2, insert

"(17) Agricultural products shall mean field crops, horticultural, viticultural, forestry, nut, dairy, livestock, poultry, bee, and farm products, including sod grown on the land owned or rented by the farmer, and the by-products derived from any of them;"; on pages 6 and 7, redesignate subdivisions (17) to (22) as subdivisions (18) to (23); on page 8 strike "(23)" and insert "(24)"; and on page 8 strike "~~(23)~~ (24)" and insert "~~(24)~~ (25)".

2. On page 15, line 4, and in the title, line 2, strike "sections 60-301 and" and insert "section"; and on page 15, line 5, and in the title, line 3, insert ", and section 60-301, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 133, Eighty-fifth Legislature, First Session, 1977" after "1976".

3. In the title, line 6, insert "to remove a restriction on temporary authority;" after the semicolon; and strike lines 10 and 11 and insert "matters; to provide an operative date; and to repeal the original sections.".

LEGISLATIVE BILL 112. Placed on Select File as amended.
E & R amendment to LB 112:

1. On page 2, line 19, insert "meetings" after "two".

LEGISLATIVE BILL 454. Placed on Select File.

LEGISLATIVE BILL 456. Placed on Select File as amended.
E & R amendments to LB 456:

1. On page 4, line 14, strike "hereinafter" and show as stricken.

2. On page 5, strike beginning with the comma in line 12 through the first comma in line 13 and show as stricken.

3. In committee amendment 1, line 1, strike "of".

LEGISLATIVE BILL 510. Placed on Select File.

LEGISLATIVE BILL 391. Placed on Select File as amended.
E & R amendments to LB 391:

1. On page 2, line 8, strike the comma and show as stricken; and in line 24, strike "2" and insert "3".

2. In the title, line 2, strike "section 23-927" and insert "sections 23-927 and 79-2210"; in line 5 insert "to include educational service units;" after the semicolon; and in line 7 strike "section" and insert "sections".

LEGISLATIVE BILL 494. Placed on Select File as amended.
E & R amendments to LB 494:

1. In committee amendments 2, line 2, strike "of" and insert "from".

2. On page 2, line 9, strike "seven" and insert "the Director of Health and six"; in line 12 strike "the Director of Health,"; and in line 15 strike "seven" and insert "six".

3. In the Warner amendment, line 2, strike the period.

4. On page 4, line 26, strike "3" and insert "4".

LEGISLATIVE BILL 74. Placed on Select File as amended.
E & R amendments to LB 74:

1. On page 2, lines 21 and 22, strike "of the primary class".

2. In committee amendments, lines 11 and 12, strike "refuse and garbage" and insert "garbage or refuse".

LEGISLATIVE BILL 86. Placed on Select File as amended.
E & R amendments to LB 86:

1. In the committee amendment, line 2, insert "for" after "paid".

2. On page 2, lines 9 and 10, strike "of any city of the metropolitan class"; and in line 17 strike "herein" and insert "in this section".

Correctly Engrossed

The following bills were correctly engrossed: 264 and 312.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 40.

STANDING COMMITTEE REPORTS

Public Works

LEGISLATIVE BILL 139. Placed on General File as amended.
Standing Committee amendments to LB 139:

1. Strike original sections 1 and 2.

2. Renumber original sections 3 to 8 as sections 1 to 6 respectively.

(Signed) Maurice Kremer, Chairman

Banking, Commerce and Insurance

LEGISLATIVE BILL 291. Placed on General File as amended.
Standing Committee amendment to LB 291:
1. On page 3, line 19, strike "commercial bank".

(Signed) John DeCamp, Chairman

ATTORNEY GENERAL'S OPINION

Opinion No. 52
March 24, 1977

Dear Senator Warner:

In reply to your inquiry concerning the proposed amendment to L.B. 460, which would create a cash fund out of which the Board of Educational Lands and Funds would pay the cost of administering school lands, this is to advise that the Constitution specifically authorizes the use of funds for such purposes. Article VII, section 9b. of the Constitution provides:

> "Sec. 9. The following funds shall be exclusively used for the support and maintenance of the common schools in each school district in the state as the Legislature shall provide:
>
> " . . . .
>
> "b. The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied;

As you can see, the Legislature also has the authority to provide the manner in which the funds shall be used.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Bernard L. Packett
Assistant Attorney General

BLP:saa
cc: Mr. Vince Brown
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Barnett renewed his pending amendments (1) through (7) found in the Journal on page 952.

The Barnett amendment (1) was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 15 ayes, 5 nays, and 29 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Barnett amendment (2) lost with 19 ayes, 21 nays, 6 present and not voting, and 3 excused and not voting.

The Barnett amendment (3) lost with 15 ayes, 21 nays, 10 present and not voting, and 3 excused and not voting.

The Barnett amendment (4) was considered.

Mr. Bereuter requested a division of the question on the amendment (4).

Part one of amendment (4) to page 120, line 12 and line 26 was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Part two of amendment (4) to page 120, line 21 was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Barnett amendment (4) was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

The Barnett amendment (5) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Barnett amendment (6) was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

The Barnett amendment (7) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. DeCamp renewed his pending amendments found in the Journal on page 1057.

Amendment pending.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 502A. By Revenue Committee: Keyes, 3rd District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 502, Eighty-fifth Legislature, First Session, 1977.

RESOLUTION

LEGISLATIVE RESOLUTION 45.

Introduced by Rules Committee: DeCamp, 40th District, Chairman; Newell, 13th District; Mills, 44th District; Carsten, 2nd District.

WHEREAS, the State Legislature has the responsibility of developing the basic public policies for the state, and of appropriating the funds necessary to implement these policies; and

WHEREAS, the Rules of the Nebraska Unicameral govern the procedures to follow in achieving these major policy decisions; and

WHEREAS, these rules should be promulgated in such a manner as to expedite Legislative matters most efficiently; and

WHEREAS, these rules should be periodically reviewed to insure that the increased complexity and demands for services and programs be met by the Legislature; and

WHEREAS, it has now become apparent and advisable that the Legislature review and consider the rules that govern its body.

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

1. That an interim study be conducted to determine what actions might be taken to increase the efficacy of the rules governing the Nebraska Legislature.

2. That the Legislature's Rules Committee serve as an interim study committee for the reasons and purposes set out above.

3. That the committee make its report to the next regular session of the Legislature with its recommendations.

Referred to the Executive Board.

MOTION—Place LB 207 on General File

Mr. Keyes moved LB 207 be placed on General File notwithstanding the committee action.

Motion pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 42. Read and considered.

Mr. F. Lewis moved to refer LR 42 to the Business and Labor Committee for hearing.

Mr.. F. Lewis moved to amend his motion as follows:

All contracts that are legislative in nature or those contracts requiring legislative approval shall be referred to committee for public hearing.

The Chair ruled the amendment out of order.

Mr. Newell moved to recess until 2:00 p.m. The motion lost.

The F. Lewis motion to refer LR 42 to the Business and Labor Committee prevailed with 27 ayes, 1 nay, 11 present and not voting, and 10 excused and not voting.

VISITORS

The President introduced 21 fourth grade students and teacher from Arnold School, Lincoln; 24 junior and senior students and teacher from Omaha Westside; 70 eighth grade students and sponsors from Raymond Central School, Raymond; and 50 sixth and seventh grade students and teacher from Goodrich Jr. Hi, Lincoln.

RECESS

At 12:05 on a motion by Speaker Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:04 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Koch and Mrs. Labedz who were excused; and Mr. Reutzel and the Appropriations Committee who were excused until they arrive.

UNANIMOUS CONSENT–Member Excused

Mr. Luedtke asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 486A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 486, Eighty-fifth Legislature, First Session, 1977.

REPORT OF NEBRASKA CAPITOL ENVIRONS ADVISORY PLANNING COMMITTEE

March 22, 1977

Senator Roland A. Luedtke, Speaker
Eighty-Fifth Legislature
State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Senator Luedtke,

As Chairman of the Capitol Environs Advisory Planning Committee I recently discovered that the Committee had not complied with one of the requirements the Eighty-Fourth Legislature had set out in LB 103 when they established the Committee. This stipulation charged the group to "undertake a comprehensive study of the feasibility and need for action to promote the intent of this resolution" and to request that this report be forwarded to the Legislature on or before 1 January 1977. We were not able to respond on that date. Our inability to respond on schedule was discussed with the Committee at their last meeting. Following this discussion the Chairman was authorized to write you and indicate that the Committee is active, to suggest that the task given to the Committee may have been greater than the time allocated, to report on certain accomplishments and to share with you our plans for further meeting the intent of the Resolution.

The Committee believes that it's accomplishments during the past year have been associated with the following matters:

1. Apartment Building, 17th and J Streets, Lincoln.
The activity of the Committee in this matter was in support of Mr. Marvin Kivett, in his role as State Historic Preservation Officer, (and a member of the Committee) in objecting to both the construction of the building on the grounds that it violated the Capitol Environs area and that the Federal review procedure, established for structures located in the area of properties on the National Register, had been ignored. It was the contention of the Committee that had the established review procedure been followed the building in its present form would not have been built.

2. Building height restriction in the Capitol Environs Area.
Following the Committee's experience with the Apartment Building at 17th and J Streets, the Committee approached the City Council of Lincoln with the request that the Council establish a temporary restriction on building heights in an established area termed the Capitol Environs. The Council acted favorably on this proposal and this restriction is in effect today. At a later time Senator Bereuter placed a similiar (sic) proposal (LB 172) before the Eighty-Fifth Legislature which also acted favorably on this matter.

3. Development of the Capitol grounds and immediate adjacent areas.
It was the Committee's opinion that further development of the grounds and adjacent areas to the Capitol Building would benefit the community and enhance the Building. This position has been forwarded to Governor. The Capitol Building Commission, the Building Division of D.A.S. and the Legislature's Appropriations Committee. The Committee has joined with others to promote the idea that the first step in a project of this type is the development of a plan and has urged State Government to appropriate the necessary funds for such an activity.

4. Comprehensive Study of the Capitol and Environs.
In addition to concern about the height of buildings and the general development of the Capitol area including landscape, the Committee desires to study a number of additional matters which affect the Capitol Building. These are the general land use of the area which may include a study of vehicular traffic and parking, open space and pedestrian activities; the visual aspect of the area which may include a study of the use of signs, lighting, the approaches to the Capitol - the short and long distance views; the historical aspect which may include a study of the area which would develope (sic) an inventory of the architectural and historical structures worthy of preservation; and a future needs assessment which would make a determination of the future space requirements of State Government in the immediate area of the Building. In order to review these matters indicated the Committee has requested the State Office of Planning and the Planning Department of the City of Lincoln to explore the possibility

of developing a working unit which would be available to the Committee for study purposes. If this arrangement can be accomplished the work of the Committee would progress more rapidly. It is anticipated that the two groups will report favorably to the Committee at the March meeting.

Please accept our apologies for not complying with the time schedule indicated by the Law establishing the Committee. Be assured also of our interest in this assignment and our desire to be of service to the Legislature and the people of this State.

Sincerely yours,

(Signed) Arthur Duerschner, Chairman
Nebraska Capitol Environs Advisory
Planning Committee

AD:jv
cc: Max Denney, Chairman
Lincoln City Council

RESOLUTION

LEGISLATIVE RESOLUTION. Read and Considered.

LR 43 was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 421. E & R amendments found in the Journal on page 1051 for the Fifty-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228. E & R amendments found in the Journal on page 1051 for the Fifty-First Day were adopted.

Mr. Stoney asked unanimous consent to bracket until April 4, 1977. No objections. So ordered.

LEGISLATIVE BILL 368. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 482. E & R amendment found in the Journal on page 1052 for the Fifty-First Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 109. Mr. DeCamp offered the following amendment:

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

"Section 1. There is hereby created a fund to be known as the Nebraska Outdoor Recreation Development Cash Fund. There is hereby appropriated two and one half million dollars from the General Fund to the Nebraska Outdoor Recreation Development Cash Fund for the fiscal year ending June 30, 1978.

Sec. 2. Expenditure shall be made from the Nebraska Outdoor Recreation Development Cash Fund pursuant to the 1976 Nebraska Outdoor Recreation Development Act Program prepared by the Game and Parks Commission. The money in such fund shall be administered by the Game and Parks Commission for the development, operation, and maintenance of areas of the state park system. Such funds may be used in whole or in part for the matching of federal funds. All disbursements for the fund shall be made upon warrants drawn by the Director of Administrative Services.

Sec. 3. Any money in the Nebraska Outdoor Recreation Development Cash Fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto.".

Mr. DeCamp moved for a Call of the House. The motion prevailed with 15 ayes, 13 nays, and 21 not voting.

Mr. F. Lewis moved the Call be raised. The motion lost with 16 ayes, 22 nays, and 11 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Bereuter	Boughn	Clark	Cope
Dworak	Hasebroock	Kelly	Lamb	Luedtke
Maresh	Marsh	Maxey	Merz	Moylan
Murphy	Nichol	Rasmussen	Rumery	Stoney

Voting in the negative, 24:

Brennan	Carsten	Cullan	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hefner
Kahle	Keyes	Kremer	F. Lewis	R. Lewis
Marvel	Mills	Newell	Reutzel	Savage
Schmit	Simon	Swigart	Warner	

Present and not voting, 3:

Burrows	Chambers	Venditte

Excused and not voting, 2:

Koch	Labedz

The DeCamp amendment lost with 20 ayes, 24 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

Mr. Maresh requested a machine vote on advancing LB 109 to E & R Final.

Mr. Cullan moved for a Call of the House. The motion prevailed with 19 ayes, 9 nays, and 21 not voting.

Mr. Cullan requested a roll call vote to advance to E & R Final.

Voting in the affirmative, 22:

Brennan	Carsten	Cullan	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	F. Lewis	R. Lewis	Luedtke
Mills	Reutzel	Schmit	Simon	Swigart
Venditte	Warner			

Voting in the negative, 22:

Barnett	Bereuter	Boughn	Burrows	Chambers
Clark	Cope	DeCamp	Dworak	Kelly
Kremer	Lamb	Maresh	Marsh	Marvel
Maxey	Moylan	Nichol	Rasmussen	Rumery
Savage	Stoney			

Present and not voting, 3:

Merz	Murphy	Newell

Excused and not voting, 2:

Koch	Labedz

The motion to advance to E & R Final lost with 22 ayes, 22 nays, 3 present and not voting, and 2 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 53
March 24, 1977

Dear Senator DeCamp:

You have requested our opinion on the constitutionality of LB 109, Eighty-Fifth Legislature, First Session, as currently amended. We have examined LB 109, particularly with reference to sections 21 and 22. Section 21 creates the Nebraska Outdoor Recreation Development Cash Fund and the Nebraska Habitat Fund. Section 21 also allocates the money collected under LB 109 by virtue of a tax to be imposed upon soft drinks to these two funds in a ratio of 80 to 20. Section 22 provides:

> "No expenditure shall be made from the Nebraska Outdoor Recreation Development Cash Fund until the Game and Parks Commission has presented a recreational development plan to the Committee on Appropriations of the Legislature for its approval. The money in such fund shall be administered by the Game and Parks Commission for the development, operation, and maintenance of areas of the state park system. . . ."

The question that you raise is whether the approval of the Appropriations Committee required by this act violates any constitutional prohibition. We understand that you have an additional concern with the provisions of the bill which limit the approval required to a single committee rather than the entire Legislature.

It is not clear in reading the statute what effect, if any, disapproval by the Committee on Appropriations would have on a planned expenditure by the Game and Parks Commission of funds raised under the act. Arguably, the position could be taken that if the committee disapproved a particular expenditure, the Game and Parks Commission would be precluded from making that expenditure. Article II, Section 1, of the Constitution prohibits such acts. It 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."

An attempt to authorize a legislative veto of executive judgment would violate this section.

If the construction suggested above were adopted, it would be an attempt to administer an executive function by a committee of the Legislature. The committee would be empowered to review and reject executive decisions regarding particular expenditures. While the Legislature is fully authorized to limit executive choices by appropriate restrictions through enactment of statutes, once a statute is enacted or an appropriation made the Legislature has no further authority. This rule of law was most clearly expressed by the Supreme Court in the case of State ex rel. Meyer v. State Board of Equalization and Assessment, 185 Neb. 490, 176 N.W.2d 920. In this case the Supreme Court considered certain legislative acts appropriating money for biennial expenditures. As a part of these acts the Legislature limited the expenditure of sums for personal services in each of the two years of the biennium. The Supreme Bourt upheld that limitation but said:

> "The Legislature has plenary or absolute power over appropriations. It may make them upon such conditions and with such restrictions as it pleases within constitutional limits. There is one thing, however, which it cannot do, and this is inherent in Article II, section 1, Constitution of Nebraska. It cannot through the power of appropriation exercise or invade the constitutional rights and powers of the executive branch of the government. It cannot administer the appropriation once it has been made. When the appropriation is made, its work is complete and the executive authority takes over to administer the appropriation to accomplish its purpose, subject to the limitations imposed. . . . ." Id. at 499-500.

Thus, it is clear that if this provision is intended to give the Appropriations Committee the authority to veto executive decisions, then it is unconstitutional. We are unable to say with certainty from the language of the enactment in its present form that it is the intent to so limit executive decisions.

It may be argued that the language of section 22 simply requires that the Game and Parks Commission file what amounts to a report with the Commitee (sic) on Appropriations prior to expending money for the purposes authorized under the act. Subsequent disapproval by that committee would not preclude the expenditures of those sums by the Game and Parks Commission. Such a construction would meet the constitutional objection discussed above. The Supreme Court, in numerous cases, has indicated that a statute which is susceptible to two constructions, one of which would clearly make the statute valid, while the other would make the validity of the statute doubtful, that construction which makes the statute valid will ordinarily be adopted. See Belgum v. City of Kimball, 163 Neb. 774, 81N.W.2d 205 (1957). Thus, we conclude that while a question exists as to the constitutionality of section 22, it is possible to read it in a constitutional manner. However, it would be appropriate to use more specific language so the intent would be clear.

You have also raised the question of whether if such a requirement could be instituted, should it require full legislative approval. We believe that the comments we have made above disposes of this question. Whether legislative approval as a full body is required is not relevant to the question of whether or not the separation of powers provision of the Constitution has been violated. Thus, if the bill is construed to reflect an intention by the Legislature to pass on each item of expenditure, either by the body as a whole or by a committee of the Legislature, Article II, Section 1, the separation of powers provision, is violated and the act would be unconstitutional.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 54
March 24, 1977

Dear Senator Warner:

This is in reply to your inquiry concerning LB92 which would strike from secton (sic) 68-1022, R.R.S. 1943, the beginning words "Except for care in a state instituion."

The effect of the present language of section 68-1022 is that the county of legal settlement of a recipient of aid to the aged, blind and disabled must pay twenty per cent of the cost of medical assistance except for care in a state institution and other exceptions not applicable here.

The effect of LB92 is to strike all language concerning payment by the county and to require that medical assistance shall be paid on behalf of eligible recipients from state and federal funds.

Thus, insofar as persons in state institutions are concerned, there is no change as to county responsibility since the county does not presently pay the twenty per cent for those persons.

In view of the foregoing, it does not appear to us that passage of LB 92 would effectively improve the position of a county over what it now has under the provisions of section 68-1022 in claiming that it is not liable for its proportionate share of the costs of care, etc. under section 83-376, R.R.S. 1943, when the patient and his relatives have not paid the full cost.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 55
March 24, 1977

Dear Senator Koch:

You have requested the opinion of this office concerning the constitutionality of sections 42, 48, 49 and 50 as they originally appear in L.B. 38. In addition, you have asked whether proposed amendments which you have enclosed are in conformity with the Constitution.

Sections 42, 48, 49 and 50 as they originally appear in L.B. 38 are as follows:

> "Sec. 42. Every physician consulted about abortion by an expectant mother shall inform her of agencies and services available to assist her to carry the pregnancy to natural term, and shall further inform the expectant mother as to all reasonably possible medical and mental consequences resulting from the performance of an abortion.
>
> ". . . .
>
> "Sec. 48. No abortion shall be performed or prescribed on any minor child in the State of Nebraska without her written consent and the consent of the parent or guardian of such minor child.
>
> "Sec. 49. No abortion shall be performed or prescribed on any woman, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, who has not previously submitted to the physician in attendance a written statement by the father of the unborn human life, if the father is known, affirming his consent to the performance of the abortion. If the father is unknown, the woman requesting the abortion shall so affirm in writing to the physician in attendance.
>
> "Sec. 50. The performance or prescribing of an abortion without the consent required in section 48 or 49 of this act is a class I misdemeanor."

Section 42 essentially requires the physician consulted to inform the expectant mother of available alternatives to abortion and of possible medical and mental consequences of an abortion. The United States Supreme Court in the case Planned Parenthood of Central Missouri v. Danforth, ____ U.S. ____, 49 L.Ed.2d 788, 96 S.Ct. 2831 (1976), dealt in part with a similar, though less restrictive, statutory requirement of the State of Missouri. Missouri required that in order for an abortion to be performed before the end of the first twelve weeks of pregnancy, the woman must certify in writing her consent and that her consent is informed and freely given. The statute, however, did not specify of what she must be informed before her consent would be considered "informed". The Court recognized that the state does have a valid interest in insuring that the woman's decision to abort is made only with full knowledge of its nature and consequences, even during the first stage of pregnancy which the Court had earlier held in Roe v. Wade, 410 U.S. 113 (1973), could not be regulated by the state. The Court in Danforth held that:

> "...The woman is the one primarily concerned, and her awareness of the decision and its significance may be assured, constitutionally, by the State to the extent of requiring her prior written consent." Id., p. 803.

Section 42, although broader because it specifies that the woman must be informed by her physician of alternatives and consequences, also serves the valid state interest of insuring that the decision is made with full knowledge of its nature and consequences. Although it certainly is not clearly constitutional since it involves somewhat more state regulation than the Missouri statute, we believe the constitutionality of section 42 could be upheld since it does promote a recognized state interest and does not, we believe, present an undue burden upon the decision to be made by the woman and her physician.

Section 48 prohibits any abortion to be performed upon a minor without her written consent as well as the parent or guardian of the minor. Requiring parental consent for the performance of an abortion on a minor was expressly held unconstitutional in Danforth, supra, as well as in Doe v. Exon, 75-L-146 (D.Neb. 1976), involving section 28-4,151, R.R.S. 1943, which is identical to section 48. We can therefore say with a degree of certainty that section 48 could not be constitutionally defended.

Section 49 prohibits any abortion to be performed unless the woman has first submitted to the physician a certificate of consent of the father, if known, or a certificate of the woman that the father is unknown. Requiring spousal consent for the performance of an abortion was expressly held unconstitutional in Danforth, supra. We therefore can again say with some degree of certainty that section 49, wherein the consent of the father of the unborn is required, could not be successfully defended against constitutional attack.

The proposed amendment which you provided to this office concerning section 42 strikes "all" from line 10, page 27, and adds the following at the end of section 42:

> "The expectant mother shall certify in writing that she has been so informed, and the written certification shall be signed by the expectant mother and by her attending physician and shall be sent to the Bureau of Vital Statistics, Department of Health, as an attachment to the abortion reporting form required under section 59 of this act. The written certification shall be in the following form:
>
> "I,_____ have been informed that the following agencies and services are among those available in Nebraska to assist me to carry my pregnancy to natural term: Birthright, and Emergency Pregency Service.
>
> "I have also been informed of all the reasonably possible medical and mental consequences resulting from an abortion.
>
> "Date _____
> Signed_____
>
> Signed _____
> Attending Physician"

Essentially, the amendment merely requires the expectant mother to certify that she has been informed of what the prior portion of section 42 requires, and that the certification be made a portion of the permanent record of the attending physician. We believe the same reasoning as used for the original section 42 applies herein. However it is our opinion that section 42 does contain another significant constitutional question which renders at least the specified wording of the certificate constitutionally suspect. The certificate requires the woman to certify that she has been advised of services offered by Birthright and Emergency Pregnancy Service, apparently referring to Birthright, Inc., and Emergency Pregnancy Services of Omaha, Inc., both private, nonprofit corporations. It is our opinion that specifying a woman must be informed of these particular private, nonprofit corporations before being allowed an abortion is constitutionally questionable as granting those corporations "special or exclusive privileges, immunity, or franchise" contrary to Article III, Section 18 of the Constitution. A constitutional problem may also be encountered with Article XIII, Section 3 of the Nebraska Constitution in this same regard.

The proposed amendment you have enclosed would alter section 48 in the following respects: (1) it would prohibit all abortions on a minor child 16 years of age or younger without the written consent of the parent or guardian; (2) it would prohibit abortions to be performed upon any minor

without a certification in writing by the expectant mother that she has consulted with her parent or guardian concerning the performance of an abortion; and (3) it would require the attending physician to retain said written statements as part of his permanent record. As was noted above, Danforth held that granting a minor's parents veto power over their minor daughter's abortion decision was unconstitutional. However, the Missouri statute with which they were dealing prohibited abortions without parental consent for unmarried minors under the age of 18. However, the Supreme Court reserved the following question:

> "We emphasize that our holding that Section 3(4) is invalid does not suggest that every minor, regardless of age or maturity, may give effective consent for termination of her pregnancy. See Bellotti v. Baird,_____US_____, 49 L Ed 2d 844, 96 S Ct_____. The fault with Section 3(4) is that it imposes a special consent provision, exercisable by a person other than the woman and her physician, as a prerequisite to a minor's termination of her pregnancy and does so without a sufficient justification for the restriction. It violates the strictures of Roe and Doe." Id., p. 808.

Essentially, reading Danforth together with Bellotti v. Baird,_____ U.S._____, 49 L.Ed.2d 844, 96 S.Ct._____ (1976), it appears that the Supreme Court is saying that it is impermissible for the state to create an irrebuttable presumption that a girl 18 years or younger is incapable of giving an informed consent. However they have specifically left open the question concerning whether the state may create a rebuttable presumption. The amendment you have prepared creates an irrebuttable presumption that a girl 16 years or younger is incapable of informed consent. Althought it is probably true that at some point of declining age, it is permissible for the state to create such an irrebuttable presumption, we cannot predict what age would be determined permissible. Therefore we can only conlude(sic) that creating that irrebuttable presumption at the age of 16 raises a substantial constitutional question and it is questionable whether it could be defended.

The proposed amendment to section 48 also requires that a minor, e.g. an unmarried person under the age of 19 (section 38-101, R.R.S. 1943), must certify that she has consulted with her parent or guardian before she may obtain an abortion. This does not constitute a parental "veto power" as did the statute found unconstitutional in Danforth. The question is therefore whether the state has sufficient justification for such a requirement. In our opinion, the constitutionality of the provision requiring parental consultation could be successfully defended against constitutional attack. In the Danforth case, Justices White, Rehnquist, Stevens and Chief Justice Burger dissented from the decision of the majority holding the parental consent provisions unconstitutional. In the dissenting opinions thereon, it is made quite clear that those four Justices would hold that a state may constitutionally require parental consent or consultation. Justices Stewart and Powell, in their concurring opinion,

state as follows:

> "...I think it clear that its primary constitutional deficiency lies in its imposition of an absolute limitation on the minor's right to obtain an abortion....
>
> "There can be little doubt that the State furthers a constitutionally permissible end by encouraging an unmarried pregnant minor to seek the help and advice of her parents in making the very important decision whether or not to bear a child...." Id., p. 817.

It therefore appears that although they feel the absolute limitation posed by the Missouri consent statute is unconstitutional, a provision requiring only parental consultation would pass constitutional muster as promoting a valid state interest without being unduly burdensome on the individual rights of the unmarried pregnant minor.

Finally, section 49 would be altered by the proposed amendment by requiring consultation with the father of the unborn fetus, as opposed to requiring his consent. As mentioned above, the Supreme Court in Danforth struck down the Missouri law which required the consent of the spouse. It should be noted that in the sections we are dealing with herein, the consultation requirement is with the father of the unborn fetus as opposed to the spouse of the woman. Therefore, somewhat different interests may be involved. The state interest considered in Danforth was that of preserving and promoting the marital relationship as well as the presumed father's interest in the growth and development of the fetus being carried. Nebraska, in requiring consultation with the father, would not necessarily be protecting an existing marital relationship, since the father is not necessarily married to the mother, and there is no presumption that they would be married. However, the state would at least be protecting and promoting a potenital marital relationship. Although the constitutionality of the proposed amendment is certainly questionable, it is our opinion that the constitutionality of the requirement of consultation with the father could probably be successfully defended. Requiring consultation with the father does not grant to the father a "veto power" such as that condemned in Danforth. Since the father has a recognized constitutional interest (see Stanley v. Illinois, 405 U.S. 645, 31 L.Ed.2d 551, 92 S.Ct. 1208), which must be weighed against the interests of the mother, we believe it could successfully be agrued that requiring a mere certification of consultation, as opposed to consent, does not represent an arbitrary or unreasonable accommodation of the individual rights involved.

If you have any further questions or desire any clarification, please do not hesitate to contact this office, as we realize that the questions concerning what the state may do concerning the regulation of abortions is a very complicated one, and many questions remain unanswered by Planned Parenthood v. Danforth, supra.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 56
March 23, 1977

Re: Constitutionality of L.B. 480.

Dear Senator DeCamp:

You have asked whether L. B. 480 is constitutional. It would make assistance for the aged, blind or disabled available only to residents and provide that a resident of another state who enters this state solely for the purpose of receiving care in a home licensed by the Department of Health will not be deemed a resident here while such care is being provided. The intent is to relieve the burden on Nebraska taxpayers.

In Thompson v. Board of Regents of the University of Nebraska, 187 Neb. 252, 188 N.W.2d 840 (1971), Thompson challenged the statute charging a higher college tuition fee to nonresidents and requiring four months of continuous residence independent of attendance at an institution of learning in this state in order to be classified as a resident for tuition purposes. The court held the entire statute constitutional because it had a reasonable relationship to a proper legislative purpose of distributing more evenly between residents and nonresidents attending those institutions the cost of operating and supporting the state educational institutions.

In Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed.2d 600, 89 S.Ct. 1322 (1969), denial of welfare benefits to those who had lived in a state for less than a year was found to interfere with the constitutional right to interstate travel. The test of its constitutionality was whether the statute met a compelling state need. The court held that it was not a compelling state need to discourage indigents from entering the state solely to obtain higher benefits, to distinguish between old and new residents on the basis of the contribution each had made to the community through payment of taxes or otherwise, or to save welfare costs. In dealing with a similar issue in Memorial Hospital v. Maricopa County, 415 U.S. 250, 39 L.Ed.2d 306, 94 S.Ct. 1076 (1974), the court pointed out in a footnote that the question of the rights of transients to medical care was not presented by the case. However, in Edwards v. California, 314 U.S. 160, 86 L.Ed. 119, 62 S.Ct. 164 (1941), the court had held unconstitutional a law which made it a misdemeanor to bring a nonresident indigent into the state. Such

a barrier to interstate commerce, it said, was not justified by the attempt of the state to "gain a momentary respite from the pressure of events by the simple expedient of shutting its gates to the outside world. . . .[T]he notion that each community should care for its own indigent that relief is solely the responsibility of local government. . . .no longer fits the facts. . . .[T]he relief of the needy has become the common responsibility and concern of the whole nation."

Unlike the persons seeking welfare benefits in Shapiro and Memorial Hospital, above, the persons excluded from benefits by L.B. 480 are those who come to Nebraska without the intention of making it their home. Their status is more like that of the nonresident students in Thompson, above, who come to Nebraska to enjoy the benefits of our tax supported schools. The fact that they are nonresidents in respects other than their presence in Nebraska may save the constitutionality of L.B. 480. However, as we've pointed out above, we cannot say with certainty that L.B. 480 is constitutional.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

March 28, 1977

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 appointed Mr. Wallace Peterson of Lincoln to serve in the vacant citizen-at-large position on the Nebraska Political Accountability and Disclosure Commission.

I would ask your speedy approval of Mr. Peterson's appointment, as well as the approval of Mr. Davis and Mr. Slocum whose names are still before the Committee on Committees. It is time that the Commission get on with its responsibilities, and, therefore, prompt legislative action is required.

In addition, I would ask that your Miscellaneous Subjects Committee accept my recommendations to remove the Governor and Secretary of

State from the Commission to eliminate an obvious potential for a conflict of interest. I would ask that if this will not be done in the near future that I be quickly notified so that I might introduce a bill to accomplish this needed change.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah2

UNANIMOUS CONSENT—Print Amendment to LB 81

Mr. Bereuter asked unanimous consent to print the following amendments to LB 81 in the Journal. No objections. So ordered.

Amendments to LB 81

(1) On page 2, line 4, strike "improved operations and maintenance," and insert, "additional development and improvement,".
(2) On page 6, line 27, strike "State Parks Cash Fund, and shall be disbursed for the," and insert "Nebraska Outdoor Recreation Development Cash Fund as created in Section 15 of this act."
(3) In the title after "penalties;" insert "to adopt the Nebraska Outdoor Recreation Development Act;"
(4) On page 7, strike lines 1, 2 and 3, and strike Section 15, and insert new sections as follows:

Section 15. There is hereby created a fund to be known as the Nebraska Outdoor Recreation Development Cash Fund. The fund shall consist of all funds collected pursuant to Section 1 – 14 of this act matched with Revenue Sharing Trust Funds and State Building Funds as appropriated in Sections 18 and 19 of this act.

Section 16. Such fund shall be used for the purposes of development, improvement, or expansion of the areas of the state park system. Expenditures for operation and maintencance of such park developments shall be requested spearately and shall be appropriated from the Nebraska Outdoor Recreation Development Cash Fund or other state funds by the Legislature.

Section 17. No expenditures shall be made from the Nebraska Outdoor Recreation Development Cash Fund until the Game and Parks Commission has presented a recreational development plan to the Legislature for its review, possible modification and appropriation to carry out such plan. All Nebraska Outdoor Recreation Development Cash Fund projects with a total cost in excess of fifty thousand dollars shall be appropriated as separate programs. The money in such fund shall be administered by the Game and Parks Commission for the development and improvement of areas of the state park system. Such fund may be used in whole or in part for the matching of federal funds. All disbursements from the fund shall be made upon warrants drawn by the Director of Administrative Services.

Section 18. There shall be placed in the Nebraska Outdoor Recreation Development Cash Fund from the Revenue Sharing Trust Fund the sum of $436,000 for fiscal year 1977-78 and $2,250,000 each year for the fiscal years 1978-79 through 1980-81. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1982 are hereby reappropriated.

Section 19. There shall be placed in the Nebraska Outdoor Recreation Development Cash Fund from the State Building Fund $1,150,000 each year for the fiscal years 1978-79 through 1980-81. Such amounts are hereby reappropriated.

Section 20. Any money in the Nebraska Outdoor Recreation Development Cash Fund available for investment shall be invested by the state investment officer pursuant to Chapter 72, article 12.

Section 21. Sections 1 to 20 of this act shall be known and may be cited as the Nebraska Outdoor Recreation Development Act.

Section 22. This act shall become operative on January 1, 1978.

NOTICE OF COMMITTEE HEARING
Business and Labor

LR 42 Monday, April 4, 1977 12:00 Noon

(Signed) Richard Maresh, Chairman

MOTION–Rule Change

Mr. George offered the following rule change:

1. In Rule 5, amend subsection (d) of section 5 to read as follows:

"(d) In regular sessions in odd-numbered years each member shall be limited as an introducer or co-introducer to a total of ~~10~~ 9 bills and in regular sessions in even-numbered years each member shall be limited as an introducer or co-introducer to a total of 6 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.".

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 283. Mr. Fowler renewed his pending amendments 1 through 4 found in the Journal on page 1063.

Mr. Fowler asked unanimous consent to withdraw amendment (1). No objections. So ordered.

The Fowler amendments (2), (3), and (4) were considered.

Mr. Fowler moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Fowler moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Fowler amendments (2), (3), and (4) were adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Unbracket LB 355

Mr. R. Lewis asked unanimous consent to unbracket LB 355 on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Mrs. Maxey and Mr. Reutzel asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

MOTION—Return LB 355 to Select File

Mr. R. Lewis renewed his pending motion to return LB 355 to Select File for the specific amendment found in the Journal on page 1075.

Mr. Duis moved for a Call of the House. The motion lost with 12 ayes, 16 nays, and 21 not voting.

Mr. Duis requested a roll call vote.

Voting in the affirmative, 17:

Barnett	Carsten	Chambers	Clark	Cullan
DeCamp	Duis	George	Keyes	R. Lewis
Maresh	Marvel	Merz	Mills	Murphy
Schmit	Swigart			

Voting in the negative, 16:

Boughn	Brennan	Burrows	Dworak	Hefner
Kahle	Kremer	Lamb	F. Lewis	Moylan
Newell	Nichol	Rasmussen	Simon	Stoney
Venditte				

Present and not voting, 2:

Fitzgerald Kelly

Excused and not voting, 14:

Bereuter	Cope	Fowler	Goodrich	Hasebroock
Koch	Labedz	Luedtke	Marsh	Maxey
Reutzel	Rumery	Savage	Warner	

The motion lost with 17 ayes, 16 nays, 2 present and not voting, and 14 excused and not voting.

MOTION–Return LB 355

Mr. Duis moved to return LB 355 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Duis asked unanimous consent to have the motion laid over.

Mr. Newell objected.

Mr. Duis moved to have the motion laid over.

Mr. Duis withdrew his motion.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 246. Placed on General File as amended.
Standing Committee amendments to LB 246:

1. On page 2, line 12, strike "eighteen" and insert "fourteen".
2. On page 4, line 7, reinstate the stricken matter; and in line 23, strike the new matter.
3. Insert a new section 5 as follows:

"Sec. 5. That section 21-17,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

21-17,105. (1) Every credit union shall be required, at least annually, to transfer the residue of earnings, after paying expenses and setting aside a sum for the reserve funds as provided in section 21-17,104, to undivided earnings and may declare a dividend to members holding share accounts, except that the board of directors by resolution may establish additional reserves

not inconsistent with the statutes of the State of Nebraska nor the best interests of the membership, and shall designate such reserves as special reserves. All such members shall participate in earnings pro rata to the withdrawal or share value of their respective accounts, except that a credit union may classify its share accounts according to the character, amount, or duration thereof, or regularity of additions thereto, and may agree in advance to pay an additional rate of earnings, over and above the minimum rate of earnings paid on share accounts, on accounts based on such classifications, and shall regulate such earnings in such manner that each share account in the same classification shall receive the same ratable portion of such additional earnings. No credit union shall pay a rate of earnings greater than seven per cent on share accounts of any classification. Earnings may be declared on the withdrawal or share value of each share account at the beginning of the accounting period, plus additions thereto made during the period, less amounts previously withdrawn and amounts covered by notice for withdrawal which for earnings purposes shall be deducted from the latest previous additions thereto, computed at the declared rate for the time the funds have been invested determined as next provided. The date of investment shall be the date of actual receipt by the credit union of an account or an addition to an account, except that if the board of directors shall so determine, accounts in one or more classifications or additions thereto received by the credit union on or before a date not later than the twentieth day of the month, unless the day determined is not a business day and in such case it may be the next succeeding business day, shall receive earnings as if invested on the first day of the month in which such payments were received; and if the board shall make such determination, it also shall determine that payments received subsequent to such determination date shall either (a) receive earnings as if invested on the first day of the next succeeding month, or (b) receive earnings from the date of actual receipt by the credit union. The directors shall determine by resolution the method of calculating the amount of any earnings on share accounts as provided in this subsection, and the time or times when earnings are to be declared, paid, or credited.

(2) When the amount of delinquent loans, at the

end of any dividend period, is so large in the opinion of either the board of directors or the Department of Banking and Finance that it is not covered by the reserve fund as required by sections 21-1760 to 21-17,126, a special reserve for delinquent loans shall be established before the credit union may pay any dividend. Such reserve shall not be less than the following:

(a) Loans delinquent less than six months -- ten per cent of the unpaid balance;

(b) Loans delinquent six months but less than twelve months -- twenty-five per cent of the unpaid balance; and

(c) Loans delinquent twelve months and over -- eighty per cent of the unpaid balance.".

4. On page 7, line 5, after "original" insert "section 21-17,105, Reissue Revised Statutes of Nebraska, 1943, and".

5. Renumber original section 5 as section 6.

(Signed) John W. DeCamp, Chairman

CORRECTED STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 217. Placed on General File as amended.
Standing Committee amendments to LB 217:

1. On page 2, line 13, after "to" insert "control or".

2. Insert two new sections as follows:

"Sec. 2. That section 46-666, Revised Statutes Supplement, 1976, be amended to read as follows:

46-666. (1) The district shall by order, after a hearing conducted pursuant to section 46-665, the record of which shall include the testimony of a respresentative of the Conservation and Survey Division of the University of Nebraska and the Nebraska Natural Resources Commission, adopt one or more of the following controls, which shall be subject to approval by the director:

(a) It may determine the permissible total withdrawal of ground water in the designated control area for each day, month, or year, and allocate such withdrawal among the ground water users within the area;

(b) It may adopt and enforce a system of rotation for use of ground water in the control area;

(c) It may adopt well-spacing requirements more restrictive than those found in Chapter 46, article 6; and

(d) It may adopt such other reasonable regulations as are necessary to carry out the intent of this act.

(2) If because of varying hydrologic or geologic conditions existing within the control area, the uniform application throughout such area of one or more controls would fail to carry out the intent of this act in a reasonably effective and equitable manner, the controls adopted by the district pursuant to subsection (1) of this section may contain different provisions for different portions of the control area. Any differences in such provisions shall recognize and be directed toward such varying conditions. The provisions of all controls shall be uniform for all portions of the control area which have substantially similar hydrologic and geologic conditions.

~~(2)~~ (3) If the district determines, following a public hearing conducted pursuant to section 46-665, that depletion of the ground water 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. Such areas may be further closed thereafter by a similar procedure for additional one-year periods. Any 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.

~~(3)~~ (4) The district shall cause a copy of each order adopted pursuant to this section to be published once each week for three consecutive weeks in a local newspaper published or of general circulation in the area involved, the last publication of which shall be not less than ten days prior to the date set for the effective date of such order.

~~(4)~~ (5) Whenever a control area, designated pursuant to section 46-658, encompasses portions of two or more districts, the responsibilities and authorities delegated in this section and section 46-665 shall be exercised jointly and uniformly by agreement of the respective boards of directors of all districts so affected.

~~(5)~~ (6) If, at the end of one year following a hearing conducted pursuant to section 46-665, the district or districts conducting such hearing have not adopted a specific control or controls pursuant to subsection (1) of this section, the power to specify such controls shall vest in the director who shall, within ninety days thereafter, adopt by rule and regulation such control or controls as he shall deem necessary for carrying out the intent of this act. Subject to section 46-667, the enforcement of controls adopted pursuant to this section shall be the responsibility of the district or districts involved.

~~(6)~~ (7) If the power to adopt a control or controls shall be vested in the director, he shall be provided with a copy of all information, testimony, and data available to the district or districts as a result of the public hearing for the adoption of a control or controls. At his discretion, the director may conduct one or more additional public hearings prior to making his determination or selection of controls. Notice of any such additional hearings shall be given in the manner provided in section 46-658.

Sec. 3. (1) In order to conserve surface water supplies and to prevent the inefficient or improper runoff of surface water, after the effective date of this act, each person who uses surface water irrigation in the state 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 natural resources district shall adopt, following public hearing, notice of which shall be given in the manner provided in section 46-658, rules and regulations necessary to control or prohibit surface runoff of water derived from surface water irrigation. Such rules and regulations shall prescribe (a) standards and criteria delineating what constitutes the inefficient or improper runoff of surface water used in irrigation, (b) procedures to prevent, control, and abate such runoff, (c) measures for the construction, modification, extension, or operation of remedial measures to prevent, control, or abate runoff of surface 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 to this section.

Any such order may be issued against an individual, partnership, association, corporation, company, cooperative, irrigation district, or irrigation company.

(4) Any new rules and regulations adopted by the district in accordance with this section shall recognize the necessity of properly managed return flows.".

3. On page 3, line 1, strike "section 46-664", and insert "sections 46-664 and 46-666"; and in line 2, strike "is" and insert "are".

4. Renumber original section 2 as section 4.

(Signed) Maurice A. Kremer, Chairman

GENERAL FILE

LEGISLATIVE BILL 64. Laid over at the request of Mr. Chambers.

LEGISLATIVE BILL 257. Mr. Rasmussen moved to bracket LB 257 until tomorrow. The motion prevailed with 25 ayes, 4 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 302. Title read. Considered.

Mr. Newell asked unanimous consent to withdraw his pending amendment found in the Journal on page 694. No objections. So ordered.

Mr. Kelly offered the following amendment:
110.00 per day, strike 120.00 per day.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 6 nays, and 23 not voting.

Speaker Luedtke offered the following amendment to the Kelly amendment:
Amend the Kelly amendment to increase the salary to $140.00.

The Luedtke amendment was adopted with 14 ayes, 13 nays, 10 present and not voting, and 13 excused and not voting. The Chair voted "aye" to break the tie.

The Kelly amendment, as amended, lost with 14 ayes, 14 nays, 8 present and not voting, and 13 excused and not voting.

Mr. F. Lewis moved for a Call of the House. The motion lost with 13 ayes, 14 nays, and 22 not voting.

Failed to advance to E & R for Review with 18 ayes, 7 nays, 11 present and not voting, and 13 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 516. Placed on General File as amended.
Standing Committee amendments to LB 516:

1. On page 2, line 20 strike "diozaphetyl" and show as stricken and insert "dioxaphetyl".
2. On page 3, line 18 strike "phoclodine" and show as stricken and insert "pholcodine".
3. On page 6, line 8 after "of" insert "their"; in line 9 before "whenever" insert "esters, and ethers".
4. On page 7, line 6 strike "including" and show as stricken.
5. On page 8, line 15 strike "chlorhexadol" and show as stricken and insert "chlorexadol".
6. On page 10, line 17 before "Any" insert "(a)"; and in line 27 strike "and".
7. On page 11, line 1 after "phenobarbital" insert "; and (19) prazepam"; and in line 11, line 1 after the underscored period insert:

"(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: (1) Fenfluramine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Diethylpropion, (2) phentermine, (3) pemoline (including organometallic complexes and chelates thereof).

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts: dextropropoxyphene (Alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).".

LEGISLATIVE BILL 156. Indefinitely postponed.
LEGISLATIVE BILL 451. Indefinitely postponed.

(Signed) Wally Barnett, Chairman

ADJOURNMENT

At 4:40 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, March 29, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-THIRD DAY–MARCH 29, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 29, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, this day holds the elements that could bring enmity between friends and betterness between colleagues.
>
> During the proceedings of this day, let every member give credit to every other member for having intentions at least as good as his own. Let them speak with conviction but not ire. Let them listen openly. Let the duration of their talks be reasonable.
>
> Do not let the days work end with crevices that can't be bridged or disappointments that cannot be endured.
>
> Let them remember they are 49 men and women doing their job and not 49 children fighting. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1099, line 18, insert "43" after "RESOLUTION".
The Journal for the 52nd Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 425. Placed on Select File as amended.
E & R amendments to LB 425:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 179, Eighty-fifth

Legislature, First Session, 1977" after "1976"; in line 27 strike "ten" and insert "fifty"; and on page 3, line 2, strike "forty-two" and insert "sixty".

2. On page 4, line 6, strike the comma.

3. On page 5, line 6, and in the title, line 2, strike "43-512,"; on page 5, line 7 strike the first comma; in the title, line 2, strike the second comma; and on page 5, line 8, and in the title, line 3, insert ", and section 53-512, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977" after "1976".

LEGISLATIVE BILL 124. Placed on Select File as amended.
E & R amendment to LB 124:

1. On page 2, line 7, strike "where" and insert "~~where~~ when".

LEGISLATIVE BILL 303. Placed on Select File as amended.
E & R amendments to LB 303:

1. On page 2, line 17, strike "such security" and insert "securities".

2. On page 3, line 7, strike "and" and insert "or"; and in line 13 insert a comma after "exercise".

3. On page 4, line 22, insert a comma after "full".

4. On page 5, line 22, insert "a" after "is".

5. On page 6, line 8, insert a comma after "arrangements"; in line 10 insert "the" after "of"; and in line 17 strike the comma.

6. On page 8, line 19, strike "foregoing" and strike "act" and insert "section".

7. In committee amendments, page 1, line 20, strike "numbers" and insert "number".

8. On page 10, line 9, strike "herein" and insert "in this section".

9. On page 11, line 8, insert a semicolon after "fact"; and in line 16 strike "their" and insert "his".

10. On page 12, line 11, insert a comma after "have"; and in line 15 insert "that" after "extent".

11. On page 13, line 6, strike "and" and insert "or".

12. In the title, line 5, insert "to provide exceptions;" after the first semicolon.

LEGISLATIVE BILL 305. Placed on Select File as amended.
E & R amendment to LB 305:

1. On page 13, insert "or" at the end of line 3.

LEGISLATIVE BILL 305A. Placed on Select File.
LEGISLATIVE BILL 196. Placed on Select File.

LEGISLATIVE BILL 208. Placed on Select File as amended.
E & R amendment to LB 208:

1. In the title, strike lines 4 to 7 and insert "the time for commencement of actions; to provide that property of public power or public irrigation districts are not subject to adverse possession; and to repeal the".

LEGISLATIVE BILL 486. Placed on Select File as amended.
E & R amendments to LB 486:

1. On page 6, line 23, strike "45" and insert "48".
2. On page 8, line 16, strike the second "program" and insert "programs".
3. On page 9, line 2, strike the comma; and insert a comma at the end of line 19.
4. On page 11, line 20, strike "subdivision (1) of".
5. On page 12, line 8, strike "39" and insert "42"; and in line 9 strike "43" and insert "46".
6. On page 16, line 9, insert "this section" after "under".
7. On page 19, line 23, strike "desired" and insert "desires".
8. On page 23, line 5, strike "40" and insert "41".
9. On page 24, line 24, strike the comma.
10. On page 30, lines 3 and 20, strike the comma.
11. On page 31, line 7, strike "45" and insert "48".
12. On page 32, line 19, strike "the Rules of Civil" and strike line 20 and insert "Chapter 25, article 5, Reissue Revised Statutes of Nebraska, 1943.".

LEGISLATIVE BILL 274. Placed on Select File as amended.
E & R amendments to LB 274:

1. On page 6, line 8, insert a comma after "19-3404".
2. In the title, line 2, strike "19-3404" and insert "19-3403, 19-3404,"; insert "to include cities of the primary class; to provide for the disposition of certain fines;" at the end of line 4.

LEGISLATIVE BILL 430. Placed on Select File as amended.
E & R amendment to LB 430:

1. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 345. Placed on Select File as amended.
E & R amendment to LB 345:

1. In the title, line 3, strike "firemen" and insert "firemen's"; and in line 4 strike "terms" and insert "a term".

LEGISLATIVE BILL 467. Placed on Select File.

LEGISLATIVE BILL 91. Placed on Select File as amended.
E & R amendment to LB 91:
1. In the title, line 4, strike "retail" and insert "certain"; in line 6 strike the first "and" and insert a comma; and after "fertilizers" insert ", or soil conditioners".

LEGISLATIVE BILL 484. Placed on Select File.

LEGISLATIVE BILL 503. Placed on Select File as amended.
E & R amendment to LB 503:
1. On page 3, line 5, strike "as," and insert ", as" as in the statutes.

LEGISLATIVE BILL 80. Placed on Select File as amended.
E & R amendment to LB 80:
1. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT to authorize the lease of certain state land.".

LEGISLATIVE BILL 110. Placed on Select File as amended.
E & R amendments to LB 110:
1. Renumber the repeal section as section 5.
2. In committee amendments, page 4, line 5, insert an underscored comma after "Nebraska" and at the end of the line.
3. In the title, line 2, insert "to amend sections 2-2613 and 2-2614, Revised Statutes Supplement, 1976,"; and in line 5 insert "to clarify provisions; to provide requirements and classification for commercial applicators; to make a reappropriation; and to repeal the original sections" after "applicator".

LEGISLATIVE BILL 494A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 511. Placed on General File as amended.
Standing Committee amendment to LB 511:
1. 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.".

LEGISLATIVE BILL 512. Placed on General File as amended.
Standing Committee amendment to LB 512:

1. On page 2, lines 5 and 12, after "council" insert "or by groups who have contracted with the council for such events"; and strike beginning with "The" in line 14 through the period in line 16.

LEGISLATIVE BILL 513. Placed on General File as amended.
Standing Committee amendments to LB 513:

1. On page 2, line 2, after "may" insert "make application to the Director of Administrative Services and the Auditor of Public Accounts to"; in line 3, after "not" insert "less than twenty-five dollars nor"; in line 4, strike "twenty-five" and insert "one hundred fifty" and after the period, insert "Such application shall specify the purpose for which the fund is to be used."; in line 5, strike "it is decided to establish" and insert "the Director of Administrative Services and the Auditor of Public Accounts have approved the establishment of"; and in line 11, after the period, insert "The funds to initiate the petty cash fund shall be drawn from any cash fund of the agency which may be spent for such purpose. If no cash funds are available, general funds may be used.".

2. Add a new section 2 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.".

LEGISLATIVE BILL 514. Placed on General File as amended.
Standing Committee amendments to LB 514:

1. On page 2, line 26, reinstate the stricken matter and after the reinstated "notification", insert "and".

2. On page 4, line 16, reinstate the stricken matter and after the reinstated "notification", insert "and"; and in line 24, strike "remaining in", show as stricken, and insert "of".

3. On page 6, line 9, reinstate the stricken matter and after the reinstated "notification", insert "and".

4. Insert a new section 7 as follows:

"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 515. Placed on General File as amended.
Standing Committee amendments to LB 515:

1. On page 2, line 13, after "similar" insert "nongrant" and in line 19, after "information", insert "or technical services".

2. Add 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.".

(Signed) Jerome Warner, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 245.

A BILL FOR AN ACT to amend sections 77-1734.01 and 77-1735, Reissue Revised Statutes of Nebraska, 1943, relating to collection of taxes; to provide a two-year statute of limitations on claims for refunds; to allow a refund or credit in certain cases; and to repeal the original sections.

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

Voting in the affirmative, 48:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 311.

A BILL FOR AN ACT to amend section 68-1004, Reissue Revised Statutes of Nebraska, 1943, and section 68-1005, Revised Statutes Supplement, 1976, relating to public welfare; to eliminate age requirements for the purpose of establishing eligibility for assistance to the blind or the disabled; and to repeal the original sections.

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

Voting in the affirmative, 48:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 311A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 311, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan

DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 317.

A BILL FOR AN ACT relating to the University of Nebraska; to provide for filling vacancies in the enrollment of the College of Medicine 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, 44:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Warner	

Voting in the negative, 4:

Brennan	Cullan	Marsh	Venditte

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 353. Mr. Keyes moved to return LB 353 to Select File for the following specific amendment:

Add the following section:

Section 5. This act will become operative July 1, 1977.

Renumber the sections that follow accordingly.

The motion prevailed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 362. With Emergency.

A BILL FOR AN ACT to amend section 53-118, Reissue Revised Statutes of Nebraska, 1943, relating to alcoholic liquors; to eliminate a restriction; to provide for conversion to the metric system in the bottling and labeling of wine and spirits; to delete labeling requirements; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Cope	Cullan	DeCamp	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Rumery
Savage	Simon	Stoney	Swigart	Warner

Voting in the negative, 7:

Carsten	Clark	Duis	Lamb	Marvel
Reutzel	Venditte			

Present and not voting, 1:

Maxey

Excused and not voting, 1:

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 363.

A BILL FOR AN ACT to amend section 23-107, Revised Statutes Supplement, 1976, relating to counties; to remove the requirement that the county board obtain voter approval to sell and convey certain real property, as prescribed; to provide for conveyance in certain cases; and to repeal the original section, and also section 23-118, Reissue Revised Statutes of Nebraska, 1943.

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

Voting in the affirmative, 47:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 1:

Fowler

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 474.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to provide for transfer of cases in which a treatment disposition has been ordered 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, 47:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 1:

Newell

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 480. With Emergency.

A BILL FOR AN ACT to amend section 68-1002, Reissue Revised Statutes of Nebraska, 1943, relating to public welfare; to clarify bona fide residence for the purpose of qualifying for public assistance from the state; 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:

Barnett	Bereuter	Boughn	Brennan	Carsten
Clark	Cope	Cullan	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Keyes	Koch	Lamb	R. Lewis
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Rumery	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 16:

Chambers	DeCamp	Kahle	Kelly	Kremer
Labedz	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Reutzel	Savage
Simon				

Present and not voting, 1:

Burrows

Excused and not voting, 1:

Schmit

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. Chambers requested a roll call vote on passage with emergency clause stricken.

Voting in the affirmative, 28:

Barnett	Bereuter	Boughn	Brennan	Carsten
Clark	Cope	Cullan	Duis	Dworak
Fitzgerald	George	Goodrich	Hefner	Kahle
Keyes	Koch	Lamb	R. Lewis	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Stoney	Swigart	Warner		

Voting in the negative, 20:

Burrows	Chambers	DeCamp	Fowler	Hasebroock
Kelly	Kremer	Labedz	F. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Newell	Reutzel	Savage	Simon	Venditte

Excused and not voting, 1:

Schmit

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1057. The amendment was adopted with 27 ayes, 1 nay, 20 present and not voting, and 1 excused and not voting.

Mr. Simon asked unanimous consent to withdraw his pending amendment found in the Journal on page 1084. No objections. So ordered.

Mr. DeCamp offered the following amendment:

Article 7

Page 119, line 7, strike word "intentionally" and on line 9, strike word "wife" and substitute word "spouse" for it.
Line 16, strike word "wife" and insert "spouse".
Line 20, strike "wife" and insert "spouse". Also line 11.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Laid over.

SELECT COMMITTEE REPORTS

Rules

Mr. President,

The Rules Committee met Thursday, March 24, 1977 and acted favorably on the proposed rule change submitted by Senator DeCamp and found on page 459 of the Legislative Journal with the following change:

1. On line 8, strike "three" and insert "five".

Mr. President,

The Rules Committee met Thursday, March 24, 1977 and acted favorably on the proposed rule change submitted by Senator DeCamp and found on page 948 of the Legislative Journal.

Mr. President,

The Rules Committee met Thursday, March 24, 1977 and in lieu of the proposed rule change submitted by Senator DeCamp and found on page 978 of the Legislative Journal, the following was offered and acted favorably on.

Insert a new section 12 under Rule 2 as follows:

Section 12. At any stage of consideration of a bill, after each one hour period of debate on such bill, the introducer of the bill or the committee chairman, if the bill is a committee bill, may move to advance the bill. Upon the making of such motion, debate on the bill shall cease, and the introducer or chairman shall be allowed to speak in closing.

Mr. President,

The Rules Committee met Thursday, March 24, 1977 and in lieu of the proposed rule change submitted by Senator Bereuter and found on page 1025 of the Legislative Journal, the following was offered and acted favorably on.

Amend section 4 of Rule 6 by inserting new subsection (i) to read as follows:

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

Mr. President,

The Rules Committee met Thursday, March 24, 1977 and in lieu of the Marsh proposed Rule change to Rule 6, Sec. 12 found on page 984 of the Legislative Journal, insert the following.

Rule 6, Sec. 13

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

(b) If such motion fails the Chairman of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

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

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

Mr. President,

The Rules Committee met Thursday, March 24, 1977 and Indefinitely Postponed the Rule changes found on page 677-678 submitted by Senator Newell.

(Signed) John W. DeCamp, Chairman

SELECT FILE

LEGISLATIVE BILL 353. The Keyes specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 365. E & R amendment found in the Journal on page 1090 for the Fifty-Second Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 499. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 157. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 324. E & R amendments found in the Journal on page 1090 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 112. E & R amendment found in the Journal on page 1091 for the Fifty-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 454. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 456. E & R amendments found in the Journal on page 1091 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 510. Mr. Murphy offered the following amendment:
Amend LB 510 page 14 – line 19 and 20 strike "in carrying on its operations" Insert "for the purposes set forth in this act"

Amendment pending.

Mr. Murphy asked unanimous consent to bracket until Thursday, March 31, 1977. No objections. So ordered.

LEGISLATIVE BILL 391. E & R amendments found in the Journal on page 1091 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

Mr. Boughn asked unanimous consent to be excused until 11:00 a.m. No objections. So ordered.

LEGISLATIVE BILL 494. E & R amendments found in the Journal on page 1092 for the Fifty-Second Day were adopted.

Mr. Warner offered the following amendment:
1. On page 4, line 1 strike "The Department of Health shall" and insert "There is hereby created within the Department of Health the Nebraska Health Manpower Referral Service. Such service shall administer health manpower referral projects and".

The Warner amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. F. Lewis moved to indefinitely postpone.

Mr. F. Lewis moved to suspend Rule 7, Sec. 3 to consider the motion at this time. The motion lost with 20 ayes, 7 nays, 20 present and not voting, and 2 excused and not voting.

Motion pending.

LEGISLATIVE BILL 74. E & R amendments found in the Journal on page 1092 for the Fifty-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 86. E & R amendments found in the Journal on page 1092 for the Fifty-Second Day were adopted.

Mr. Swigart renewed his pending amendment found in the Journal on page 1057.

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30. Mr. Koch asked unanimous consent to bracket until April 1, 1977. No objections. So ordered.

LEGISLATIVE BILL 109. Laid over at the request of Mr. Reutzel.

LEGISLATIVE BILL 109A. Laid over at the request of Mr. Reutzel.

UNANIMOUS CONSENT—Print Amendment to LB 30

Mr. Koch asked unanimous consent to print the following amendment to LB 30 in the Journal. No objections. So ordered.

Amend Section 77-2704 by adding a new section (r) as follows:

(r) The sale and purchase of any direct alternate energy system, which shall include direct solar systems and direct wind systems, designed and utilized for the production of heat, refrigeration, or electricity.

MOTION—Return LB 312 to Select File

Mrs. Marsh moved to return LB 312 to Select File for the following specific amendment:

1. On page 6, line 17, strike "one" and insert "~~one~~ two".

The motion prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 312. The Marsh specific amendment found in this day's Journal was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

BILL ON FIRST READING

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

LEGISLATIVE BILL 257A. By Rasmussen, 41st District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 257, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

UNANIMOUS CONSENT–Print Amendment to LB 264

Mr. Burrows asked unanimous consent to print the following amendments to LB 264 in the Journal. No objections. So ordered.

1. On page 2, line 17, after the period, insert "Such limitation or denial of voting rights shall not apply to greater than eighty per cent of the total shares of stock issued by the corporation.".
2. Insert a new section 2 as follows:
"Sec. 2. Any person who provides professional advice concerning the issuance of nonvoting stock by the corporation shall be personally liable for damages if such person fails to adequately explain the effect of ownership of such stock to all parties concerned.".
3. Renumber original section 2 as section 3.

UNANIMOUS CONSENT–Print Amendment to LB 109

Mr. Simon asked unanimous consent to print the following amendment to LB 109 in the Journal. No objections. So ordered.

Amend LB 109 to provide that 1/2 of the revenue collected go to the General Fund and 1/2 of the revenue go to the Game and Parks Department

GENERAL FILE

LEGISLATIVE BILL 302. Considered.

Mr. Brennan moved for a Call of the House. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

Mr. Brennan moved the Call be raised. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for Review with 30 ayes, 10 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 302A. Title read. Considered.

Mr. Brennan offered the following amendment:
1. On page 2, strike line 2 and insert
"eight thousand twenty-nine dollars".

The amendment was adopted with 29 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 257. Title read. Considered.

Standing Committee amendments found in the Journal on page 455 for the Twenty-Second Day were adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Fowler renewed his pending amendment found in the Journal on page 911.

Mr. Fowler asked unanimous consent to modify his amendment by striking "1984" and inserting "1983". No objections. So ordered.

The Fowler amendment, as modified, was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Mr. DeCamp renewed his pending amendments found in the Journal on pages 967 and 968 to add 5 new sections.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. DeCamp moved for a Call of the House. The motion lost with 17 ayes, 20 nays, and 12 not voting.

Mr. DeCamp requested a roll call vote on his amendments.

Voting in the affirmative, 17:

Carsten	Clark	DeCamp	George	Goodrich
Keyes	Kremer	Labedz	R. Lewis	Luedtke
Maresh	Marsh	Merz	Moylan	Rumery
Schmit	Venditte			

Voting in the negative, 23:

Bereuter	Chambers	Cope	Cullan	Duis
Fowler	Hasebroock	Hefner	Kahle	Kelly
Koch	Lamb	Marvel	Maxey	Murphy
Newell	Nichol	Rasmussen	Reutzel	Simon
Stoney	Swigart	Warner		

Present and not voting, 8:

Barnett	Brennan	Burrows	Dworak	Fitzgerald
F. Lewis	Mills	Savage		

Excused and not voting, 1:

Boughn

The DeCamp amendments lost with 17 ayes, 23 nays, 8 present and not voting, and 1 excused and not voting.

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on the top of page 967. No objections. So ordered.

Laid over.

VISITORS

The President introduced Mr. and Mrs. Bill Krejci of Fairmont; 28 sixth grade students, teacher and sponsor from North Loup-Scotia; 12 seniors from Adams and sponsor.

RECESS

At 12:02 p.m., on a motion by Speaker Luedtke, 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 the Appropriations Committee who were excused; and Messrs. Kahle and Kremer who were excused until they arrive; and Mr. Newell who was absent until 3:00 p.m.

UNANIMOUS CONSENT—Print Amendments to LB 33

Mr. Koch asked unanimous consent to print the following amendments to LB 33 in the Journal. No objections. So ordered.

AMENDMENT TO LB 33 (1)

1. On page 3, line 6 after "November" insert ", the State Department of Education shall notify the offending school district of its failure to submit such report and that such district has ten days in which to submit such report. If, after such time, the school district shall still fail to submit its report,".

AMENDMENTS TO LB 33 (2)

1. On page 4, strike original section 3 and renumber original sections 4 through 14 as sections 3 through 13, respectively.

2. On page 6 strike lines 21 through 27 and on page 7 strike lines 1 through 7 and insert the following:

"79-1338. ~~From~~ For tabulations relating to equalization aid, from the sum calculated pursuant to section 79-1336, each district shall subtract operating funds ~~obtained~~ from (1) the ~~State of Nebraska~~ total amount calculated under section 79-1334, (2) ~~the qualifying levy prescribed in section 79-1335; Provided, operating funds received from that portion on the local tax levy which exceeds the minimum prescribed in section 79-1335 shall be excluded from this computation,~~ the following prescribed mill levies applied to the valuation of all taxable property with the district (a) for Class I districts operating a program of instruction in grades kindergarten through six in conjunction with a Class VI district, nine mills; (b) for Class I districts organized to offer instruction in grades kindergarten through eight, eleven mills; (c) for Class II, III, IV, and V districts, eighteen mills; (d) for Class VI districts offering instruction in grades seven through twelve, nine mills; and (e) for Class VI districts offering instruction in grades nine through twelve, seven mills, (3) tuition, not to exceed the total financial support provided for those nonresident students pursuant to section 79-1336, (4) fines, (5) license fees, ~~(6) transportation reimbursements, (7)~~ (6) the Insurance Tax Fund, and ~~(8)~~ (7) funds received under the provisions of Chapter 79, article 13.".

3. On page 8, lines 18 and 20 strike "expenditures" and insert "budget".

4. On page 8, line 27 and on page 9, line 8 strike "December" and insert "March".

5. On page 12, line 10 strike "excluding telephone" and show as stricken; strike lines 21 through 24 showing the old matter as stricken and insert "(6) Any education program mandated pursuant to a state or federal law, or pursuant to a rule or regulation of an agency of the state or federal government; and".

6. On page 13, line 25 strike "79-1335,".

7. On page 14, line 1 after "also" strike "section" and insert "sections 79-1335 and".

UNANIMOUS CONSENT–Print Amendments to LB 486

Mr. Koch asked unanimous consent to print the following amendments to LB 486 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 486

1. On page 3, strike lines 23 through 27 and on page 4 strike lines 1 through 6 and insert the following:

"(7) Agent shall mean any individual owning any interest in, employed by, or who regularly represents for remuneration, an entity that operates one or more private vocational educational institutions within or outside this state, who, by active solicitation made in the state, enrolls or seeks to enroll a resident of the state for education offered by such institutions or offers to award educational credentials for remuneration on behalf of such institutions;".

2. On page 11, line 26 after "Sec. 12." insert "(1)".

3. On page 12, after line 10 insert the following:

"(2) For purposes of this section, if an entity operates private vocational schools in more than one location in the State of Nebraska with the same or similar curriculum in each location, such entity may register all such locations by making application on a form and indicating thereon the addresses of such locations by attachment to such form, accompanied by a surety bond or cash bond as provided in section 43 of this act and and the application fee provided in section 46 of this act.".

4. On page 17, strike beginning with "An" in line 1 through the period in line 4 and insert the following: "Each agent representing an entity which operates private vocational schools at one or more locations shall be required to obtain one agent's permit and such permit shall apply to all locations of the entity operating such vocational schools."; in line 23 after the period insert

the following "For purposes of this act, the cash bond or surety bond as provided in section 43 of this act, may be submitted to the board in blanket form by an entity for itself and for its agents, and such cash bond or surety bond shall apply for purposes of school registration and for purposes of registration of all such entites' agents.".

5. On page 25, line 10 after "dollars" insert ", or shall be accompanied by cash bond in the sum of five thousand dollars, unless sufficient cash bond for the school and for the agent is currently held by the board. For purposes of this section, if an agent represents an entity which operates private vocational schools at one or more locations, the surety bond or cash bond required by this section shall not exceed five thousand dollars for such agent.".

6. On page 26, insert a new section as follows:

"Sec. 44. The cash bond required under section 43 of this act shall be in the sum determined thereunder and shall be deposited with the board, which shall deposit such sum in one or more fully insured interest-bearing accounts the interest from which shall be paid from time to time, but not less often than semiannually, to the vocational school entity posing such cash bond. A school's or agent's cash bond held by the board may be carried over and applied for use by such school or agent in each subsequent year.".

7. Renumber original sections 44 through 61 as sections 45 through 62, respectively.

UNANIMOUS CONSENT—Print Amendments to LB 75

Mr. Koch asked unanimous consent to print the following amendments to LB 75 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 75

1. On page 5, after line 13 insert a new section as follows:

"Sec. 4. That section 37-526, Revised Statutes Supplement, 1976, be amended to read as follows:

37-526. (1) It shall be unlawful to hunt, kill, take or pursue or to attempt to hunt, kill, take or pursue any form of wild mammal or wild bird within a two hundred yard radius of an inhabited dwelling or livestock feedlot; Provided, that this section shall not prohibit any owner, tenant or operator or their guests from hunting, killing, taking or pursuing any form of wild mammal or wild bird within such radius if the area is under their ownership or control.

(2) The provisions of this section shall not apply to the lawful hunting, killing, taking, or pursuing any form of wild mammal or wild bird on state-owned or state-controlled lands."; line 16 strike "section" and insert "sections" and after "37-519" insert "and 37-526".

2. Renumber original section 4 as section 5.

STANDING COMMITTEE REPORTS

Agriculture and Environment

LEGISLATIVE BILL 189. Placed on General File as amended.
Standing Committee amendments to LB 189:

1. On page 8, line 21 strike "404" and insert "401 (a) (1)".
2. On page 28, reinstate the stricken matter in lines 1 through 10.

LEGISLATIVE BILL 390. Placed on General File.

(Signed) Loran Schmit, Chairman

Business and Labor

LEGISLATIVE BILL 509. Placed on General File as amended.
Standing Committee amendments to LB 509:

1. On page 5, line 14, strike the first underscored comma and reinstate the stricken matter.
2. On page 11, line 4, strike "and"; in line 7 strike the underscored period and insert "; and" and insert a new subdivision 12 as follows:

"(12) (a) In determining whether or not an employing unit for which service other than domestic service is also performed is an employer under subsection (1) or (10) of this section, the wages earned or the employment of an employee performing domestic service after December 31, 1977, shall not be taken into account.

(b) In determining whether or not an employing unit for which agricultural labor is also performed is an employer under subsection (11) of this section, the wages earned or the employment of an employee performing services in agricultural labor after December 31, 1977, shall not be taken into account. If an employing unit is determined an employer of agricultural labor, such employing unit shall be determined an employer for the purposes of subsection (1) of this section.".

3. On page 14, line 16, after "foregoing", insert "or any instrumentality".
4. On page 17, line 16, strike "or the preceding calendar year".

5. On page 19, line 21, after "business" insert an underscored period; and strike beginning with "or" in line 21 through the period in line 22, and show the same as stricken.

6. On page 35, line 16, strike "but not successive" and after "terms" insert ", whether or not successive".

7. On page 44, line 8 strike "1977", and reinstate the stricken matter.

8. On page 46, line 15, strike "extended".

9. On page 50, line 2, after "employer", insert ", other than an employer for which services in employment as provided in subdivision (4) (a) of section 48-604 are performed,".

10. On page 51, line 25, after "employer" insert ", other than an employer subject by reason of subdivision (4) (a) of section 48-604,".

(Signed) Richard Maresh, Chairman

GENERAL FILE

LEGISLATIVE BILL 257. Considered.

Mr. F. Lewis offered the following amendment:
Amend after Line 1 page 3
add. 1) Department of administrative Services
2) Department of Economic Development

Mr. Dworak offered the following amendment to the F. Lewis amendment:
To amend Sen. Lewis amendment to include the Dept of Education and the Office of Planning and Programming by 1979.

Mr. Lamb 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 18 ayes, 1 nay, and 30 not voting.

The motion to close debate prevailed with 32 ayes, 3 nays, and 14 not voting.

Mr. Warner raised a point of order on the Dworak amendment.

The Chair ruled the Dworak amendment was germane.

The Dworak amendment to the F. Lewis amendment was adopted with 27 ayes, 15 nays, 6 present and not voting, and 1 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 37 ayes, 3 nays, and 9 not voting.

The F. Lewis amendment, as amended, was adopted with 26 ayes, 17 nays, 5 present and not voting, and 1 excused and not voting.

Mr. George offered the following amendment:
To amend LB 257:
The 1978 session of the Legislature shall address itself only to the following two items:
1) Consideration of budget bills
2) Investigation of state government according to LB 257, 1977 session

The Chair ruled the George amendment out of order.

Mr. Keyes moved the Call be raised. The motion lost with 16 ayes, 25 nays, and 8 not voting.

Mrs. Marsh moved to indefinitely postpone.

Mrs. Marsh withdrew her motion.

Mr. Burrows offered the following amendment:
To strike the Dept. of Education from the Dworak amendment to the F. Lewis amendment to LB 257

Mr. Duis moved the Call be raised. The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

The Burrows amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Bereuter offered the following amendment to LB 257:
Add "the Department of Revenue" in Section 3 on page 3.

Mr. Hefner 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 Bereuter amendment was adopted with 25 ayes, 13 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Newell offered the following amendment to LB 257:
To strike all amendments to the original bill LB 257.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Newell moved for a Call of the House. The motion lost with 4 ayes, 26 nays, and 19 not voting.

Mr. Newell requested a roll call vote on the amendment.

Voting in the affirmative, 13:

Carsten	Cope	Cullan	Fowler	Goodrich
Labedz	Marsh	Moylan	Newell	Nichol
Rasmussen	Stoney	Swigart		

Voting in the negative, 27:

Bereuter	Boughn	Brennan	Burrows	Clark
DeCamp	Dworak	Fitzgerald	George	Hasebroock
Kremer	Lamb	F. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Murphy
Reutzel	Rumery	Savage	Schmit	Simon
Venditte	Warner			

Present and not voting, 8:

Barnett	Chambers	Duis	Hefner	Kelly
Keyes	Koch	R. Lewis		

Excused and not voting, 1:

Kahle

The amendment lost with 13 ayes, 27 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Koch offered the following amendment:

To amend sec 4 page 4 - Add new section 7 to include the Dept. of Agriculture.

The amendment lost with 15 ayes, 20 nays, 13 present and not voting, and 1 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Advanced to E & R for Review with 28 ayes, 10 nays, 10 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT–Print Amendments to LB 30

Mr. Maresh asked unanimous consent to print the following amendments to LB 30 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 30
(AMENDMENTS ARE TO THE WHITE COPY OF THE AMENDMENTS REFERRED TO ON PAGE 632 OF THE JOURNAL)

1. On page 1, line 7, strike "1978" and insert "1977".

2. Insert a new section 3 as follows:

"Sec. 3. The Tax Commissioner shall determine the amount of money available as a result of the expiration of the food sales tax credit. The commissioner shall make such money available to the state investment officer who shall invest such money pursuant to sections 72-1237 to 72-1260.

The proceeds from such investment shall be credited to the Nebraska Resources Development Fund.".

NOTICE OF COMMITTEE HEARING
Committee on Committees

March 29, 1977

The Committee on Committees will meet at 4:00 p.m., Monday, April 4, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing the following appointment by Governor J. J. Exon.

WALLACE C. PETERSON
Nebraska Political Accountability and Disclosure Commission

(Signed) John S. Savage, Chairman

REFERENCE COMMITTEE REPORT

LB	Committee
524	Banking

(Signed) Richard Marvel. Chairman; Larry D. Stoney; Jack Mills; R. Lewis; Roland Luedtke.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 87. Placed on General File as amended.
Standing Committee amendments to LB 87:

1. On page 3, line 7, after "(2)" insert "except as provided in subdivision (3) of this section,".

2. On page 4, line 3, after the semicolon, insert "(3) if such conviction is for a second offense and more than five years have elapsed from the date of the conviction of the first offense to the date of the arrest on the second offense, such person shall be punished as provided in subdivision (1) of this section;"; and in line 3, strike the original "(3)" and insert "~~(3)~~ (4)"; and strike the new matter in lines 18 to 23.

3. Insert a new section 2 as follows:

"Sec. 2. The record of conviction of those persons convicted under the provisions of this act shall be expunged from the public court records five years after such conviction. After such time, the conviction record shall only be available to the court.".

4. Renumber original section 2 as section 3.

(Signed) Maurice Kremer, Chairman

Miscellaneous Subjects

LEGISLATIVE BILL 213. Indefinitely postponed.
LEGISLATIVE BILL 370. Indefinitely postponed.

(Signed) Donald Dworak, Chairman

ANNOUNCEMENT

Mr. DeCamp announced an executive session at 1:00 p.m., March 30, 1977 in room 2230.

ATTORNEY GENERAL'S OPINION

Opinion No. 57
March 21, 1977

Dear Senator Duis:

You have requested our opinion as to the constitutionality of L.B. 142. L.B. 142 is a bill which would establish limits and prescribe conditions of trial in lawsuits pertaining to liability for injury or damage sustained from defects in manufactured products. If the amendments hereinafter suggested are adopted it would be our opinion that L.B. 142 is constitutional.

In order to arrive at a decision that a legislative act is not constitutionally prohibited it is necessary to examine those areas covered

by the act that might be considered objectionable. In L.B. 142 three areas suggest themselves. First, are the limitations upon legal liability of manufactured products class legislation and if so is the classification reasonable and not arbitrary. Second are the limitations upon legal liability for injury of such a nature as to constitute a denial of "equal protection of the laws." Third, are these limitations such as to offend "due process of law."

The class singled out under the provisions of L.B. 142 is all manufactured products. This is indeed a broad classification and we can find nothing that indicates that the classification is either artificial, unreasonable or or (sic) arbitrary. In re De Klotz, 98 Neb. 861, 155 N.W. 240. In Farmers and Merchants Insurance Company v. Dobney, 62 Neb. 213, 86 N.W. 1070, 97 Am.St.Rep. 621, affirmed 189 U.S. 301, 23 S.Ct. 565, 47 L.Ed. 821, our Supreme Court held: "There is nothing in the constitution of the United States or of the state which forbids classification of subjects for the purpose of legislation."

Both "equal protection of the laws" and "Due process of law" are extremely broad terms which are difficult of exact definition as they are applied in a variety of situations. Frequently an infringement of rights may be held to be a violation of either of these constitutional safeguards. One of the most frequent faults of arbitrary class legislation is that it not only violated Article III, Section 18, of the Nebraska Constitution but that it is also in violation of the "equal protection" clause of the Fourteenth Amendment of the Constitution of the United States.

No opinion of this office can hope to explain all the aspects of either of these guarantees of the Fourteenth Amendment. Our Nebraska Supreme Court in discussing "equal protection" said: "A state is not required by the equal protection clause to choose between attacking every aspect of a problem or making the effort at all. It is enough if the regulation has rational basis and does not individually discriminate." As to due process our Supreme Court said in Heywood v. Brainard, 181 Neb. 294, 147 N.W.2d 772: "Fundamental requirement of due process of law is that a statute be reasonably clear and definite." In Weiner v. State Department of Roads, 179 Neb. 297, 17 N.W.2d 852, they said: " 'Due process' is right to fair hearing before some tribunal having jurisdiction to determine controversy in question." None of the limitations in L.B. 142 appear to unreasonably deprive one injured by the product to a fair trial to secure redress for his injuries according to applicable procedures.

Section 3 of the bill makes evidence inadmissible to show that after design or manufacture of the product new and advanced knowledge and techniques have been made or learned or that changes in design, testing etc. have been placed into use subsequent to the design or manufacture of the product. We are of the opinion that the words "design or" in line 20 and 25 of Section 3, page 3, of the bill makes the constitutionality questionable. The word as written could be construed to be a violation of either "equal protection" or "due process." It appears unreasonable to forbid evidence of new and improved designs of a product manufactured

after the improved design was known. A product, under the bill as now worded, could be without liability to the injured if designed in 1927 but manufactured in 1977, even though others in the industry had repeatedly redesigned in the fifty year period eliminating the dangerous and injury causing elements of the original product. To deny liability and recovery by the injured under these circumstances would in our opinion be held to deny the injured "equal protection" or "due process" which ever right the tribunal decided to use to attack the denial.

If the deletions above mentioned are made in the bill, we believe it will meet constitutional requirements.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

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

HSS:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 257A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 14 present and not voting, and 1 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 180. Considered.

MR. MARVEL PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 14 nays, and 22 not voting.

Mr. Kelly offered the following amendment:
Line 25 strike "may" insert "shall not".

The amendment lost with 14 ayes, 15 nays, 18 present and not voting, 2 excused and not voting.

Mr. Goodrich moved for a Call of the House. The motion lost.

Mr. Goodrich asked for a roll call vote on advancing LB 180.

Voting in the affirmative, 22:

Barnett	Boughn	Carsten	Cope	DeCamp
Duis	Fitzgerald	Goodrich	Hasebroock	Hefner
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Merz	Moylan	Newell	Schmit
Stoney	Swigart			

Voting in the negative, 20:

Bereuter	Brennan	Burrows	Chambers	Cullan
Dworak	Fowler	Kahle	Kelly	Keyes
Maresh	Marsh	Marvel	Maxey	Nichol
Rasmussen	Reutzel	Rumery	Simon	Warner

Present and not voting, 6:

Clark	George	Mills	Murphy	Savage
Venditte				

Excused and not voting, 1:

Labedz

Failed to advance to E & R for Review with 22 ayes, 20 nays, 6 present and not voting, and 1 excused and not voting.

Having failed to advance for the third time, LB 180 stands indefinitely postponed.

Mr. Fitzgerald moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

LEGISLATIVE BILL 90. Title read. Considered.

Standing committee amendments found in the Journal on page 495 for the Twenty-Fifth Day were adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Laid over.

VISITORS

The President introduced Mr. and Mrs. George Geisler of Kearney; Mr. and Mrs. William Dixon from the 3rd Legislative District.

ADJOURNMENT

At 4:32 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, March 30, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FOURTH DAY—MARCH 30, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 30, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Luedtke 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. Fowler, Mills, and Stoney who were excused until they arrive; Mr. Chambers who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Third Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Swigart asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 283. Replaced on Select File as amended.
E & R amendments to LB 283:

1. The Fowler amendment 1 having been withdrawn, strike the Fowler amendment 4.

2. In the Fowler amendment 3, strike numbered line 11 and through "in" in line 12 and insert:

"3. On page 5,".

3. In the title, line 6, insert "to delete a provision for striking the names of all women;" after the semicolon; and in line 8 insert ",and also section 25-1601.01, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 324. Replaced on Select File as amended.
E & R amendment to LB 324:

1. On page 8, line 17, strike "other".

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 365.

Correctly Engrossed

The following bills were correctly engrossed: 74, 112, 157, 355, 368, 391, 421, 454, 482, and 499.

Correctly Enrolled

The following bills were correctly enrolled: 245, 311, 311A, 317, 362, 363, 474, and 480.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting Business, the Speaker signed the following bills: 245, 311, 311A, 317, 362, 363, 474, 480, and LR 43.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 240. Placed on General File as amended.
Standing Committee amendments to LB 240:

1. Insert the following new sections:

"Sec. 2. That section 49-14,119, Revised

Statutes Supplement, 1976, be amended to read as follows:

49-14,119. The commission shall meet once each calendar quarter at such times and places as shall be determined by the commission and shall keep a record of its proceedings. Special meetings may be called by the chairperson. Such special meetings shall be called by such chairperson upon receipt of a written request signed by ~~three~~ five or more members of the commission. Written notice of the time and place of all meetings shall be mailed in advance to each member of the commission by the secretary.

Sec. 3. That section 49-14,121, Revised Statutes Supplement, 1976, be amended to read as follows:

49-14,121. The commission ~~shall~~ may employ an executive director, and ~~may employ a general counsel and~~ such other staff as ~~are~~ is necessary to carry out its duties pursuant to sections 49-1401 to 49-14,138. The executive director shall serve at the pleasure of the commission, shall be solely responsible to it, and shall not be paid in excess of eighteen thousand dollars per annum. The executive director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him by the commission, except that the commission shall not delegate the making of regulations to the executive director. The commission may obtain the services of experts and consultants as necessary to carry out its duties pursuant to sections 49-1401 to 49-14,138. Unless prohibited by law, the Tax Commissioner, the Auditor of Public Accounts, the Attorney General, and the county attorneys shall make available to the commission such personnel, facilities and other assistance as the commission may request. The commission may employ a general counsel if the Attorney General or any county attorney is unable to provide the commission with necessary assistance. Members of the commission and employees of the commission shall be exempted from the provisions of Chapter 81, article 13, except that they may be covered by the state personnel system through specific agreement between the commission and the Department of Personnel.

Sec. 4. That section 49-14,124, Revised Statutes Supplement, 1976, be amended to read as follows:

49-14,124. (1) Upon a complaint signed under oath by any person, ~~upon the recommendation of the executive director,~~ or upon its own motion, the commission shall, by way of preliminary investigation, investigate any alleged violation of sections 49-1401 to

49-14,138 or any rule or regulation adopted and promulgated thereunder. Prior to the commission investigating any alleged violation of sections 49-1401 to 49-14,138 on its own motion, the commission must have reasonable grounds, based upon actual knowledge of fact and circumstances, to believe that a violation has occurred. Each governmental body shall cooperate with the commission in the conduct of its investigations. All commission proceedings and records relating to preliminary investigations shall be confidential until a final determination is made by the commission unless the person alleged to be in violation of sections 49-1401 to 49-14,138 requests that the proceedings be public. The executive director shall notify any person under investigation by the commission of the investigation and of the nature of the alleged violation within five days of the commencement of the investigation. Within fifteen days of the filing of a sworn complaint by a person alleging a violation, and every thirty days thereafter until the matter is terminated, the executive director shall notify the complainant and the alleged violator of the action taken to date by the commission together with the reasons for such action or for nonaction.

Sec. 5. In order to protect the rights and interests of persons, if the court finds that any civil or criminal action instigated against a person by the commission was without reasonable cause, (1) the court may order the commission to pay reasonable attorney fees and court costs incurred by the defendant, and (2) the person injured by such action may bring a claim for damages against the commission in the same manner and procedure as is now provided by law for bringing such suits against corporations and individuals.

Sec. 6. That original sections 49-14,119, 49-14,121, and 49-14,124, Revised Statutes Supplement, 1976, are repealed.".

(Signed) Donald Dworak, Chairman

SELECT COMMITTEE REPORTS
Committee on Committees

Hearings of February 3
and February 8.

The Committee on Committees desires to report unfavorably upon the appointments to the Special Education Appeal Board which were submitted by Governor J. J. Exon.

Motion was made and seconded to reject the following appointments to the Special Education Appeal Board.

Robert Snow
Special Education Appeal Board

Committee Vote: For: (7) Senators Cope, DeCamp, Dworak, Koch, F. Lewis, Murphy, and Savage. Against: (2) Senators Labedz and Marsh. Excused: (3) Senators Mills, Moylan, and Rasmussen. Not Voting: (1) Senator Burrrows. Absent: None.

Mrs. Jack Stark
Special Education Appeal Board

Committee Vote: For: (7) Senators Cope, DeCamp, Dworak, Koch, F. Lewis, Murphy, and Savage. Against: (2) Senators Labedz and Marsh. Excused: (3) Senators Mills, Moylan, and Rasmussen. Not Voting: (1) Senator Burrows. Absent: None.

Hearing of March 10, 1977

The Committee on Committees desires to report favorably upon the appointments or reappointments listed below which were submitted by Governor J. J. Exon and Secretary of State, Mr. Allen Beermann. The Committee suggests the appointments be confirmed by the Legislative Body and suggests a record vote.

Mr. Ralph Slocum
Accountability and Disclosures Commission

Committee Vote: For: (9) Senators Burrows, Cope, Dworak, Koch, F. Lewis, Marsh, Moylan, Rasmussen, and Savage. Against: None. Not Voting: (2) Senators Labedz and Murphy. Excused: (2) Senators DeCamp and Mills.

Mr. James M. Davis
Accountability and Disclosures Commission

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Koch, F. Lewis, Marsh, Moylan, and Savage. Against: None. Not Voting: (3) Senators Labedz, Murphy, and Rasmussen. Absent: None. Excused: (2) Senators DeCamp and Mills.

Hearing of March 29, 1977

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.

Mr. William E. Peters
Code of Ethics Board

No one appeared in support of Mr. Peter's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Koch, Labedz, Lewis, Marsh, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators DeCamp, Dworak, Mills, Moylan, and Rasmussen. Absent: None.

Mr. Donald R. Treadway
Code of Ethics Board

Sen. Cope appeared in support of Mr. Treadway's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Koch, Labedz, Lewis, Marsh, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators DeCamp, Dworak, Mills, Moylan, and Rasmussen. Absent: None.

Mr. Norman L. Stadtler
Motor Vehicle Industry Licensing Board

No one appeared in support of Mr. Stadtler's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Koch, Labedz, Lewis, Marsh, Murphy, and Savage. Against: None. Not Voting: None. Excused: (5) Senators DeCamp, Dworak, Mills, Moylan, and Rasmussen. Absent: None.

(Signed) John S. Savage, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 230.

A BILL FOR AN ACT to amend sections 60-2002, 60-2003, 60-2005, 60-2008, 60-2009, 60-2010, 60-2013, 60-2015, 60-2016, 60-2018, 60-2021, 60-2022, and 60-2023, Reissue Revised Statutes of Nebraska, 1943, relating to snowmobiles; to change requirements for the registration of snowmobiles; to fix a maximum administrative cost of registration; to authorize the issuance of special permits; to create the Nebraska Snowmobile Trail Cash Fund; to deposit fees into such fund; to provide procedures for transfer of title; to provide for rules and regulations; to authorize operation of snowmobiles on certain public areas; to make certain acts unlawful; to provide for enforcement of registration laws; to provide penalties; and to repeal the original sections, and also section 60-2012, 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	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	DeCamp
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte	Warner		

Voting in the negative, 2:

Duis Lamb

Absent and not voting, 1:

Chambers

Excused and not voting, 3:

Fowler Mills Stoney

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

LEGISLATIVE BILL 230A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 230, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Clark	Cope	DeCamp	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 2:

Cullan Duis

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Mills Stoney

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

LEGISLATIVE BILL 77. Laid over until end of Final Reading at the request of Mr. R. Lewis.

LEGISLATIVE BILL 79.

A BILL FOR AN ACT to establish the Nebraska Safety Center; to declare intent; to provide for administration of the center; to create the Nebraska Safety Center Advisory Council; to prescribe functions and goals of the center; and to authorize the utilization of funds.

Whereupon the 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	Boughn	Carsten	Clark
Cope	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Labedz	F. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Moylan	Murphy
Newell	Nichol	Rasmussen	Rumery	Savage
Schmit	Simon	Swigart	Venditte	

Voting in the negative, 12:

Brennan	Burrows	Cullan	DeCamp	Duis
Dworak	Kelly	Lamb	R. Lewis	Marvel
Reutzel	Warner			

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Mills Stoney

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

LEGISLATIVE BILL 79A. Pursuant to Rule 5 Sec. 6(1) the Chairman of the Appropriations Committee, Mr. Warner, advised LB 79A would take 30 votes to pass.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 79, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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:

Barnett	Bereuter	Boughn	Carsten	Clark
Cope	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Koch	Kremer
Labedz	F. Lewis	Luedtke	Maresh	Marsh
Maxey	Merz	Moylan	Murphy	Newell
Nichol	Rumery	Savage	Schmit	Simon
Swigart	Venditte			

Voting in the negative, 14:

Brennan	Burrows	Cullan	DeCamp	Duis
Dworak	Kelly	Keyes	Lamb	R. Lewis
Marvel	Rasmussen	Reutzel	Warner	

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Mills Stoney

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

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to criminal procedure; to provide for the availability of judges when court is not in session; and to provide duties of custodial officers.

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Swigart	Venditte	Warner

Voting in the negative, 1:

Fitzgerald

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Mills Stoney

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 sections 25-1280 and 33-106, Reissue Revised Statutes of Nebraska, 1943, and section 48-139, Revised Statutes Supplement, 1976, relating to legal fees; to change provisions relating to the amount of fees charged 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:

Boughn	Carsten	Clark	Cope	Cullan
DeCamp	Duis	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Moylan	Murphy	Newell	Rasmussen	Reutzel
Rumery	Savage	Simon	Swigart	Venditte
Warner				

Voting in the negative, 9:

Barnett	Bereuter	Brennan	Burrows	Dworak
Fowler	F. Lewis	Marvel	Schmit	

Present and not voting, 1:

Nichol

Absent and not voting, 1:

Chambers

Excused and not voting, 1:

Mills Stoney

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

LEGISLATIVE BILL 401. With Emergency.

A BILL FOR AN ACT relating to the Legislature; to create the Legislature's Telecommunications Committee; to provide membership; 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:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 3:

Barnett Dworak Fowler

Not voting, 0.

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

LEGISLATIVE BILL 462.

A BILL FOR AN ACT to amend section 84-907, Reissue Revised Statutes of Nebraska, 1943, relating to agency rules; to require that notice of rule changes be sent to the Revisor of Regulations; to provide duties and powers of the Revisor of Regulations; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 2:

Cullan Swigart

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

LEGISLATIVE BILL 473.

A BILL FOR AN ACT to amend section 72-1119, Revised Statutes Supplement, 1976, relating to standards for public buildings; to transfer responsibility for enforcement to the State Fire Marshal; 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, 49:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

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.

LEGISLATIVE BILL 77. Mr. Mills asked unanimous consent to bracket LB 77 until Tuesday, April 5, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments to LB 90

Mr. Goodrich asked unanimous consent to print the following amendments to LB 90 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 90

1. Insert a new section as follows:

"Sec. 8. In the event any person licensed to operate a motor vehicle desires to have a color photograph affixed to his or her license prior to the renewal period of the license, such person may file with the county treasurer an application for that purpose. Upon being satisfied that such application is in proper form the county treasurer shall issue, upon the payment of a fee of two dollars, a license with a color photograph of the license affixed thereto. Such fee shall be credited, allocated, and accounted for by each county treasurer in the same manner as original or renewal operators' license fees as provided in section 60-409.".

2. Renumber original section 8 as section 9.

UNANIMOUS CONSENT—Print Amendments to LB 257

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 257 in the Journal. No objections. So ordered.

SPECIFIC AMENDMENTS TO L.B. 257

On Page 6, Line 24, strike "Legislative Council", insert "Performance Review & Audit Committee".
On Page 6, Lines 25 and 27, strike "audit" and insert "review".
On Page 7, Lines 3, 6, and 9, strike "audit" and insert "review".
On Page 7, Line 4, strike "Legislative Council" and insert "Performance Review & Audit Committee".
On Page 10, Lines 6, 12, 15, and 17, strike "audit" and insert "review".
On Page 10, Line 18, strike "Legislative Council" and insert "Performance Review & Audit Committee".
On Page 10, Line 22, strike "The committee" and insert "The standing committee holding the hearing".

EXPLANATIONS OF VOTES

Had I been present on Final Reading when the following bills were read, I would have voted Aye on L.B.'s 230, 230A, 111, 126, and Nay on LB's 79 and 79A.

(Signed) Larry Stoney

Had I been present, I would have voted "No" on LB 230, 230A, 79, 79A; Yes on LB 111, and 126 on Final Reading.

(Signed) Jack Mills

GENERAL FILE

LEGISLATIVE BILL 64. Title read. Considered.

Mr. Simon asked unanimous consent to withdraw his pending amendment found in the Journal on page 505. No objections. So ordered.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Rasmussen requested his motion be withdrawn.

Mr. Simon re-offered his amendment found in the Journal on page 505.

The Simon amendment was adopted with 29 ayes, 11 nays, and 9 present and not voting.

Mr. Rasmussen moved to indefinitely postpone.

Mr. F. Lewis 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 motion to indefinitely postpone lost with 17 ayes, 28 nays, and 4 present and not voting.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:

1. On page 4, strike beginning with "including" in line 25 through the comma in line 26 and show as stricken.

2. On page 11, line 22, strike the new matter and reinstate the stricken matter; and in line 23, strike the new matter.

3. On page 26, strike subdivision (3); strike original subdivision numbers (4) to (13), show as stricken, and insert underscored subdivision numbers (3) to (12), respectively; in line 19, strike the comma, and insert "~~,~~ or"; and in line 20, strike ", or trailer", and show as stricken.

4. Insert a new section 12 as follows:

"Sec. 12. That section 60-2305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2305. No licensed motor vehicle dealer shall have in his possession as inventory for sale any used motor vehicle of ~~the model year 1969 or later~~ an age of less than twenty-five years, acquired by such dealer after September 1, 1972 for which he does not have in his possession the tranferor's statement required by sections 60-2301 to 60-2307, unless a certificate of title has been issued for such motor vehicle in the name of the dealer. Violation of sections 60-2301 to 60-2307 shall be grounds for suspension or revocation of a motor vehicle dealer's license under the provisions of Chapter 60, article 14.".

5. On page 35, line 7, strike "and" and after the second comma, insert "and 60-2305,".

6. Renumber original section 12 as section 13.

(Signed) Maurice Kremer, Chairman

ANNOUNCEMENT

Mr. DeCamp announced a cancellation of the Banking, Commerce, and Insurance Committee executive session this afternoon.

UNANIMOUS CONSENT–Member Excused

Mr. Marvel asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 511. Title read. Considered.

Standing Committee amendment found in the Journal on page 1125 for the Fifty-Third Day was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 512. Title read. Considered.

Standing Committee amendment found in the Journal on page 1126 for the Fifty-Third Day was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 513. Title read. Considered.

Standing Committee amendments found in the Journal on page 1126 for the Fifty-Third Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 514. Title read. Considered.

Standing Committee amendments found in the Journal on page 1126 for the Fifty-Third Day were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 515. Title read. Considered.

Standing Committee amendments found in the Journal on page 1127 for the Fifty-Third Day were adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 64

Mr. DeCamp asked unanimous consent to print the following amendments to LB 64 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 64

1. Strike original sections 1 to 5 and insert eight new sections as follows:

"Section 1. Every person found guilty of murder in the first degree shall suffer death if any one or more of the special circumstances enumerated in section 3 of this act have been charged and found to be true in the manner provided in section 2 of this act. Every person otherwise found guilty of murder in the first degree shall suffer confinement in the Nebraska Penal and Correctional Complex for life. Every person found guilty of murder in the second degree shall be punished by imprisonment in the Nebraska Penal and Correctional Complex from five years to life.

Sec. 2. (1) In any case in which the death penalty is to be imposed as the penalty for an offense only upon the finding of the truth of the special circumstances enumerated in section 3 of this act, the guilt or innocence of the person charged shall first be determined without a finding as to penalty. If such a person has been found guilty of such an offense, and has been found sane on any plea of not guilty by reason of insanity, and any one or more of the special circumstances enumerated in section 3 of this act have been charged, there shall be further proceedings on the issue of the special circumstances charged. The determination of the truth of any or all of the special circumstances charged shall be made by the trier of fact on the evidence presented. In case of a reasonable doubt whether a special circumstance is true, the defendant is entitled to a finding that it is not true. The trier of fact shall make a special finding that each special circumstance charged is either true or not true. Wherever a special circumstance requires proof of the commission or attempted commission of a crime, such crime shall be charged and proved pursuant to the general law applying to the trial and conviction of a crime.

(2) If the defendant was convicted by the court sitting without a jury, the trier of fact shall be a jury unless a jury is waived by the defendant, in which case

the trier of fact shall be the court. If the defendant was convicted by a plea of guilty the trier of fact shall be a jury unless a jury is waived by the defendant. If the defendant was convicted by a jury, the trier of fact shall be the same jury unless, for good cause shown, the court discharges that jury, in which case a new jury shall be drawn to determine the issue of whether or not any of the special circumstances charged are true or not true.

(3) If the trier of fact finds, as to any person convicted of any offense under section 1 of this act requiring further proceedings that any one or more of the special circumstances enumerated in section 3 of this act as charged is true, the defendant shall suffer the penalty of death, and neither the finding that any of the remaining special circumstances charged is not true, nor if the trier of fact is a jury, the inability of the jury to agree on the issue of the truth or untruth of any of the remaining special circumstances charged, shall prohibit the imposition of such penalty.

(4) In any case in which the defendant has been found guilty by a jury, and the same or another jury is unable to reach a unanimous verdict that one or more of the special circumstances charged are true, and does not reach a unanimous verdict that all of such special circumstances charged are not true, the court shall dismiss the jury and shall order a new jury impaneled to try the issues, but the issue of guilt shall not be retried by such jury, nor shall such jury retry the issue of the truth of any of the special circumstances which were found by a unanimous verdict of the previous jury to be untrue. If such new jury is unable to reach a unanimous verdict that one or more of the special circumstances it is trying are true, the court shall dismiss the jury and impose the punishment of confinement in the Nebraska Penal and Correctional Complex for life.

Sec. 3. The penalty for a person found guilty of first degree murder shall be death in any case in which the trier of fact pursuant to the further proceedings provided for in section 2 of this act makes a special finding that:

(1) The murder was intentional and was carried out pursuant to an agreement with the defendant. An agreement, as used in this subdivision, shall mean an agreement by the person who committed the murder to accept valuable consideration for the act of murder from any person other than the victim; or

(2) The defendant personally committed the act

which caused the death of the victim and any of the following additional circumstances exist:

(a) The victim is a peace officer who, while engaged in the performance of his duties, was intentionally killed, and the defendant knew or reasonably should have known that such victim was a peace officer engaged in the performance of his duties;

(b) The murder was willful, deliberate and premeditated and the victim was a witness to a crime who was intentionally killed for the purpose of preventing his testimony in any criminal proceeding;

(c) The murder was willful, deliberate and premeditated and was committed during the commission or attempted commission of any of the following crimes;

(i) Robbery;

(ii) Kidnapping. Brief movements of a victim which are merely incidental to the commission of another offense and which do not substantially increase the victim's risk of harm over that necessarily inherent in the other offense do not constitute kidnapping within the meaning of this subdivision;

(iii) Rape by force or violence, or by threat of great and immediate bodily harm;

(iv) The performance of lewd or lascivious acts upon the person of a child under the age of fourteen years; or

(v) Burglary, of an inhabited dwelling house entered by the defendant with an intent to commit grand or petit larceny or rape; or

(d) The defendant has in this or in any prior proceeding been convicted of more than one offense of murder of the first or second degree. For the purpose of this subdivision an offense committed in another jurisdiction which if committed in Nebraska would be punishable as first or second degree murder shall be deemed to be murder of the first or second degree.

Sec. 4. (1) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime. The burden of proof as to the age of such person shall be upon the defendant.

(2) Except when the trier of fact finds that a murder was committed pursuant to an agreement as defined in subdivision (1) of section 3 of this act, the death penalty shall not be imposed upon any person who is a principal in the commission of a capital offense unless he was personally present during the commission of the act or acts causing death, and directly committed or

physically aided in the commission of such act or acts.

Sec. 5. Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains such individual for ransom, reward, or to commit extortion or to exact from relatives or friends of such person any money or valuable thing, or any person who kidnaps or carries away any individual to commit robbery, or any person who aids or abets any such act, is guilty of a felony and shall, upon conviction thereof, suffer death in cases in which any person subjected to any such act suffers death, or shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for life in cases in which any person subjected to any such act suffers bodily harm, or shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for life in cases where no such person suffers death or bodily harm.

Sec. 6. Every person who unlawfully throws out a switch, removes a rail, or places any obstruction on any railroad with the intention of derailing any passenger, freight or other train, car, or engine and thus derails the same, or who unlawfully places any dynamite or other explosive material or any other obstruction upon or near the track of any railroad with the intention of blowing up or derailing any such train, car, or engine and thus blows up or derails the same, or who unlawfully sets fire to any railroad bridge or trestle over which any such train, car, or engine shall pass with the intention of wrecking such train, car, or engine, and thus wrecks the same, is guilty of a felony and punishable with death in cases in which any person subjected to any such act suffers death as a proximate result thereof, or imprisonment in the Nebraska Penal and Correctional Complex for life in cases where any person suffers bodily harm as a proximate result thereof, or imprisonment in the Nebraska Penal and Correctional Complex for life in cases where no person suffers death or bodily harm as a proximate result thereof.

Sec. 7. Unless otherwise provided by law every plea shall be put in by the defendant himself in open court. No plea of guilty of a felony for which the maximum punishment is death or life imprisonment shall be received from a defendant who does not appear with counsel, nor shall any such plea be received without the consent of the defendant's counsel. No plea of guilty to a capital offense which does not require the further

proceedings provided for in section 2 of this act shall be received from a defendant. No plea of guilty of a felony for which the maximum punishment is not death or life imprisonment shall be accepted from any defendant who does not appear with counsel unless the court shall first fully inform him of his right to counsel and unless the court shall find that the defendant understands his right to counsel and freely waives it and then, only if the defendant has expressly stated in open court, to the court, that he does not wish to be represented by counsel. On application of the defendant at any time before judgment the court may, and in case of a defendant who appeared without counsel at the time of the plea the court must, for a good cause shown, permit the plea of guilty to be withdrawn and a plea of not guilty substituted. Upon indictment or information against a corporation a plea of guilty may be put in by counsel. This section shall be liberally construed to effect these objects and to promote justice.

Sec. 8. Nothing in this act shall be construed to require a defendant to appear in any proceedings under this act with counsel, if such defendant has voluntarily and intelligently elected to proceed in person without counsel.".

UNANIMOUS CONSENT – LR 34

Mr. Kremer asked unanimous consent to discuss LR 34 on the floor of the Legislature. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 34.

Mr. R. Lewis asked unanimous consent to have LR 34 considered after recess.

Mr. Kelly objected.

Mr. R. Lewis moved to hold LR 34 until after recess.

Mr. Kelly moved to amend the motion to hold LR 34 until tomorrow.

Mr. R. Lewis withdrew his motion.

Mr. Kelly withdrew his amendment to the motion.

Read and considered.

MR. F. LEWIS PRESIDING

Mr. Dworak moved to hold LR 34 until action on LB 100.

Motion pending.

UNANIMOUS CONSENT – Print amendments to LB 204

Mr. Barnett asked unanimous consent to print three sets of amendments to LB 204 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 204 (1)

1. On page 14, line 24, strike "or the emergency service patrol"; and in line 26, after "treatment" insert "by the emergency service patrol or the police".

2. On page 15, line 3, strike "or the emergency service patrol" and after "person" insert ", and the emergency service patrol,"; and in line 4 strike "and".

3. On page 25, strike line 27 and insert "persons trained to provide first aid assistance to intoxicated persons in emergency situations. The patrol shall transport intoxicated persons to their homes or to and from public treatment facilities.".

4. On page 26, strike lines 1 to 5.

AMENDMENTS TO LB 204 (2)

1. On page 16, strike beginning with "such" in line 1 through "of" in line 2 insert and insert "proceedings for commitment have been initiated against such person pursuant to".

2. Strike sections 58 to 60.

3. On page 19, line 6 strike the third "the"; in line 7 strike "petition of" and insert "application to the county attorney by"; in line 9, after the period insert "If the county attorney agrees that the individual is an alcoholic, and that the individual may cause substantial harm to himself, herself, or others, and that neither voluntary hospitalization nor other treatment alternatives which would be less restrictive to the individual's liberty are available, or would suffice, the county attorney shall draft and file a petition which shall be acted upon according to the provisions of this act."; strike beginning with "(1)" in line 12 through "alcohol" in line 16 and insert "(1) by reason of his alcoholism poses a serious threat of substantial harm to himself, herself, or others; and (2) such potential for harm has been indicated by a recent act or threat. Evidence of the potential for harm to oneself may consist of the individual's inability

or neglect in providing for his own care.".

4. On page 20, strike subsection (1), and insert three new subsections as follows:

"(1) Upon filing the petition pursuant to section 61 of this act, the court shall fix a date for a preliminary hearing within forty-eight hours, if possible, but in any event, not longer than five days, including weekends, of the time the individual is taken into custody. In no event shall the lapse of time between such subject's initial custody and the commencement of the preliminary hearing exceed five days, including weekends. The final hearing shall be held within fourteen days after the preliminary hearing.

(2) Upon the filing of the petition provided by section 61 stating the county attorney's belief that the immediate custody of the subject is required, the clerk of the district court shall cause a summons fixing the time and place for a final or preliminary hearing to be prepared and issued to the sheriff for service. The sheriff shall personally serve upon the subject, as well as his or her parent or legal guardian, if he or she is a minor or legally incompetent, the summons and copies of the petition. The summons shall fix a time for the preliminary hearing within five days after the subject has been taken into protective custody and shall fix the time for the final hearing within fourteen days after the date fixed for the preliminary hearing. Should the subject fail to appear as required after proper service upon him of a summons under this section, such failure shall constitute grounds for the issuance of a warrant for his or her custody.

(3) Upon the filing of the petition provided by section 61 of this act stating the county attorney's belief that the immediate custody of the subject is required or if the subject has previously failed to appear as required after proper service upon him of a summons as provided by section 62 of this act, the clerk of the district court may issue a warrant directing the sheriff to take the subject into custody and place him or her in a treatment facility where he or she shall be held pending his or her hearing. At the time of execution of the warrant, the sheriff shall personally serve upon the subject, as well as his or her parent or legal guardian, if he or she is a minor or legally incompentent, (sic) a notice of the time and place fixed for a final or preliminary hearing, and a copy of the petition.".

5. On page 20, line 15, strike "(2)" and insert "(4)".

6. On page 21, line 8, strike "(3)" and insert "(5)".
7. Renumber original sections 61 to 91 as sections 58 to 88, respectively.

AMENDMENTS TO LB 204 (3)

1. Strike section 75 and insert a new section 75 as follows:

"Sec. 75. (1) The director shall prepare and adopt a uniform patient fee schedule for services reimbursed in whole or in part under this act. The scheduled fees may be reduced or waived by authorization of the facility administrator.

(2) No emergency services provided by this act shall be denied residents of the state because of inability to pay the cost thereof. In the case of emergency services covered under this act and provided by a hospital licensed under the provisions of section 71-2020, and if the individual receiving such services is without resources to pay for the services, the hospital shall be entitled to receive from the department an amount equal to the hospital's actual per diem costs, as determined by the Director of Public Welfare under the provisions of section 68-127.".

UNANIMOUS CONSENT–Member Excused

Mr. Kelly asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 40 college students and sponsor from Concordia of Seward; 17 senior hi students and teacher from Waterloo High School, Waterloo; 24 eighth grade students and sponsor from Humbolt, Nebraska; and Mr. Stigge and Mr. Oligmueller from Cuming County, and Mr. Kohlmeyer of Burt County.

RECESS

At 11:59 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:00 p.m., Mr. F. Lewis presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Marvel and Swigart who were excused; Mr. Schmit and the Appropriations Committee who were excused until they arrive.

UNANIMOUS CONSENT—Member Excused

Mr. Kremer asked unanimous consent to be excused at 2:30 p.m. No objections. So ordered.

MOTION—Return LB 312 to Select File

Mrs. Marsh moved to return LB 312 to Select File for the following specific amendment:

Page 6, In line 17 "To strike two and insert one."

The motion prevailed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 312. The Marsh specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Readvanced to Final Reading with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 34. Considered.

Mr. Dworak renewed his pending motion found in this day's Journal to hold LR 34 until action on LB 100.

Mr. Dworak moved for a Call of the House. The motion lost with 13 ayes, 15 nays, and 21 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 9:

Barnett	Carsten	DeCamp	Dworak	Koch
Labedz	Merz	Murphy	Simon	

Voting in the negative, 19:

Boughn	Burrows	Clark	Cullan	Duis
George	Hefner	Kahle	Kremer	Lamb
R. Lewis	Luedtke	Maresh	Maxey	Mills
Moylan	Nichol	Reutzel	Venditte	

Present and not voting, 8:

Brennan	Chambers	Fitzgerald	Keyes	F. Lewis
Newell	Rasmussen	Stoney		

Excused and not voting, 13:

Bereuter	Cope	Fowler	Goodrich	Hasebroock
Kelly	Marsh	Marvel	Rumery	Savage
Schmit	Swigart	Warner		

The motion lost with 9 ayes, 19 nays, 8 present and not voting, and 13 excused and not voting.

Mr. Dworak offered the following amendment:

Amend LR 34 Add – 16. That the study include the disconnect policies of power entities for those people who are delinquent in their bill.

Amendment pending.

Mr. Dworak asked unanimous consent to have LR 34 laid over. No objections. So ordered.

SPEAKER LUEDTKE PRESIDING

SELECT FILE

LEGISLATIVE BILL 425. E & R amendments found in the Journal on page 1122 for the Fifty-Third Day were adopted.

Laid over.

LEGISLATIVE BILL 124. E & R amendment found in the Journal on page 1123 for the Fifty-Third Day was adopted.

Mr. Fowler asked unanimous consent to bracket until April 5, 1977. No objections. So ordered.

LEGISLATIVE BILL 303. E & R amendments found in the Journal on page 1123 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305. E & R amendment found in the Journal on page 1123 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 305A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 208. E & R amendment found in the Journal on page 1124 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 274. E & R amendments found in the Journal on page 1124 for the Fifty-Third Day were adopted.

Advanced to E & R for Engrossment.

Mr. Keyes asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 430. E & R amendment found in the Journal on page 1124 for the Fifty-Third Day was adopted.

Mr. Hefner offered the following amendment:

1. On page 3, line 22 strike "is" and insert "and also section 79-549, Reissue Revised Statutes of Nebraska, 1943, are".

Mr. Hefner moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 345. E & R amendment found in the Journal on page 1124 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 467. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 91. E & R amendment found in the Journal on page 1125 for the Fifty-Third Day were adopted.

Mr. Bereuter offered the following amendment:
To amend LB 91 in the following manner!
1. On page 2, line 16 delete the word "grocery".
2. On page 3, line 18 delete the word "grocery".
3. Make appropriate changes in the title of the bill.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Goodrich asked unanimous consent to bracket until April 4, 1977. No objections. So ordered.

LEGISLATIVE BILL 484. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 503. E & R amendment found in the Journal on page 1125 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 80. E & R amendment found in the Journal on page 1125 for the Fifty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. E & R amendment found in the Journal on page 1125 for the Fifty-Third Day was adopted.

Mr. Schmit asked unanimous consent to bracket until April 4, 1977. No objections. So ordered.

LEGISLATIVE BILL 45. Laid over at the request of Mr. Murphy.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 196. Mr. Simon offered the following amendment:

1. On page 2, line 11 after "infraction", insert "except nonmoving violations".

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Stoney renewed his pending amendment found in the Journal on page 1085.

The amendment was adopted with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

Mr. Chambers asked unanimous consent to bracket until April 6, 1977.

Mr. Newell objected.

Mr. Chambers moved to bracket until April 6, 1977.

Mr. Newell withdrew his objection.

No objections. So ordered.

LEGISLATIVE BILL 494. Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 1137. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494A. Mr. Warner offered the following amendment:

1. On page 2, line 6 after "1977" insert ", for the operation of the Nebraska Health Manpower Referral Service".

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 486. E & R amendments found in the Journal on page 1124 for the Fifty-Third Day were adopted.

Mr. F. Lewis asked unanimous consent to bracket until April 14, 1977. No objections. So ordered.

LEGISLATIVE BILL 109. Mr. Koch renewed his pending amendment found in the Journal on page 1008.

MR. BARNETT PRESIDING

The Koch amendment lost with 18 ayes, 12 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Simon asked unanimous consent to withdraw his pending amendment found in the Journal on page 1139. No objections. So ordered.

Mr. Simon offered the following amendment:

(1) White Copy
(a) Page 9, line 13, strike "eighty" and insert "forty".
(b) Page 9, line 19, after the period insert "Forty per cent of the available funds collected persuant to Sections 1 to 25 of this act shall be credited to the General Fund".

Mr. Simon moved for a Call of the House. The motion prevailed with 17 ayes, 16 nays, and 16 not voting.

Mr. Clark moved the Call be raised. The motion lost with 10 ayes, 24 nays, and 15 not voting.

Mr. Simon requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Brennan	DeCamp	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Labedz	Lamb
F. Lewis	Maresh	Marsh	Moylan	Newell
Reutzel	Savage	Simon		

Voting in the negative, 21:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	Duis	Fowler
Kahle	Koch	R. Lewis	Luedtke	Maxey
Mills	Nichol	Rasmussen	Rumery	Stoney
Warner				

Present and not voting, 3:

Chambers	Merz	Murphy

Excused and not voting, 7:

Kelly	Keyes	Kremer	Marvel	Schmit
Swigart	Venditte			

The Simon amendment lost with 18 ayes, 21 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Laid over.

MOTION—Place LB 250 on General File

Mr. DeCamp moved to place LB 250 on General File notwithstanding the Committee action.

Motion pending.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 293. Placed on General File

(Signed) Donald Dworak, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 38

Mr. Barnett asked unanimous consent to print the following amendments to LB 38:

AMENDMENTS TO LB 38
Article VIII

1. On page 126, lines 11 and 12, strike "intercourse, or any act of deviate sexual intercourse," and insert "penetration, as defined in subdivision (5) of section 33 of this act":; after line 14, insert "Any person violating this section shall be issued a citation in lieu of arrest pursuant to sections 29-422 to 29-430, Reissue Revised Statutes of Nebraska, 1943,"; in line 15, strike "II" and insert "V"; and in lines 25 and 26 strike ", or any other immoral purpose".

2. On page 127, strike lines 1 to 7; in line 13 after "debauchery" insert a period and strike the remainder of the line; and in line 14, strike "III" and insert "IV".

3. On page 128, line 18, after the second comma insert "or"; strike line 19, and insert "penetration";

and in line 20, strike "purposes".

4. On page 129, lines 1 and 2, strike "intercourse, deviate sexual intercourse, or other immoral practices" and insert "penetration"; in line 15, strike "intercourse" and insert "penetration"; strike line 16; in line 17 strike "(c)" and insert "(b)"; and in line 19 strike "(d)" and insert "(c)".

Article IX

1. On page 151, strike lines 26 and 27.

2. On page 152, strike lines 1 and 2; and in line 3, strike "(3)" and insert "(2)".

UNANIMOUS CONSENT–Print Amendments to LB 394

Mr. Newell asked unanimous consent to print the following amendments to LB 394 in the Journal. No objections. So ordered.

Amendments to LB 394

1. On page 2, lines 4 and 17, after "municipality" insert "except those municipalities being class I cities or larger.

2. Insert a new section 6 as follows:

"Sec. 6. Any incorporated municipality which, prior to the effective date of this act, has imposed the tax provided by section 77-27,142 may continue to impose the tax without submitting the question of continuing such tax to a vote of the qualified electors.".

UNANIMOUS CONSENT–Bracket LB 303

Mr. Duis asked unanimous consent to bracket LB 303 on E & R Final until April 5, 1977. No objections. So ordered.

VISITORS

The President introduced 39 Sixth grade students and sponsor from Ravenna, Nebraska; and 48 students and instructor from Moody Bible Institute in Chicago, Illinois.

ADJOURNMENT

At 4:26 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-FIFTH DAY--MARCH 31, 1977

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY—MARCH 31, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 31, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we acknowledge this morning our dependence upon You. The very land from which our food springs is Your creation and the air that we breath and the water we drink came from You.
>
> We sometimes are over impressed with our own importance and consider our skills in dealing with Your gifts as a kind of creation when in fact the skill itself comes from You.
>
> As we raise our minds and our hearts to You, let us ever remember that we are surrounded by your creations, in deed we are part of it and while we pass laws to govern it in the name of our fellow men, we do not therefore become gods but God's men and women. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Chambers who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1166, line 4, delete "1" and insert "2".
The Journal for the Fifty-Fourth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Duis asked unanimous consent to be excused at 9:30 a.m. until he returns. No objections. So ordered.

Mrs. Maxey asked unanimous consent to be excused at 9:30 a.m. until she returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 298. Placed on General File as amended.
Standing Committee amendments to LB 298:

1. On page 2, line 17, after "and", insert "more";
and in line 25, after "rights", insert "except those used
for domestic purposes,".

2. On page 3, line 9, strike "remove", and insert
"reduce"; in line 15, after "landowners", insert "other
than domestic water rights"; in line 16 after "incorporating"
insert "such"; in line 18, after "landowner" insert "affected by this
act"; in line 23, strike "fully" and after "incorporate" insert
"such"; and in line 25, after "their" insert "nondomestic".

3. On page 4, line 6, after "owns" insert "riparian";
strike beginning with "which" in line 6 through "state" in
line 7; in line 9, strike "use" insert "the" and strike
"from" and insert "of"; in line 10 strike "drainway";
strike line 11, and insert "bordering or crossing such
landowner's riparian land for any use or purpose other than
domestic purposes, either within or outside the stream,
river, creek, watercourse, lake, or reservoir, which right
is dependent upon such ownership and which is founded upon";
in line 12, strike "prior to April 4, 1895, under"; strike
beginning with the comma in line 13, through "1895" in
line 15; in line 17, strike "bordering" and insert "bordered
or crossed by"; in line 18, strike "drainway,"; and in
line 27, strike "and".

4. On page 5, line 2, strike the period and insert
"; and"; after line 2, insert a new subsection (6) as follows:
"(6) Domestic uses shall mean uses of water for
household purposes and for the instream watering of domestic
livestock on riparian land."; in line 3, strike "use";
in line 5, strike "drainway,"; strike beginning with "the"
in line 6 through "for" in line 9; in line 9, strike
"other" and after "purpose" insert ", other than domestic,
either within or"; in line 10, strike "eighteen" and insert
"twenty-four "; in line 14, strike "Eighteen" and insert
"Commencing twenty-four".

4. Strike section 5.

5. On page 6, strike beginning with "When" in
line 6 through the period in line 14, and insert "When the
water right claimed is for irrigation or other uses, either
within or outside the boundaries of a given body of water,
the director shall set the volume at the average amount of
water used yearly by the claimant on such riparian land,
said average to be based on the twenty-year period from
January 1, 1957 through December 31, 1976. The date of
priority shall be the date on which claimant or any prior
owner of the riparian land first started using water for
irrigation or other purposes on such riparian land, or
within a given body of water.".

6. Strike section 7, and insert a new section 7
as follows:

"Sec. 7. All riparian landowners, their grantees,
heirs, assigns, and all other successors of any interest
in land shall forever waive, relinquish, and forfeit any
riparian right for all uses and purposes, other than domestic,

for each tract of riparian land for which no claim, as required by section 3 of this act, is filed with the department within eighteen months of the effective date of this act.".

7. On page 6, strike beginning with "and" in line 24 through "act" in line 25.

8. On page 7, line 19, after "act" insert a period; and strike line 20.

9. Renumber original sections 6 to 12 as sections 5 to 11.

(Signed) Maurice Kremer, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 31, 1977, at 8:55 a.m., were the following bills: 245, 311, 311A, 317, 362, 480, 474, and 363.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 456.

Correctly Enrolled

The following bills were correctly enrolled: 230, 230A, 79, 79A, 111, 126, 401, 462, and 473.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 230, 230A, 79, 79A, 111, 126, 401, 462, and 473.

DISCUSSION

The members discussed the financial status report.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 353. Replaced on Select File as amended.
E & R amendments to LB 353:

1. In new section 5, strike "Section" and insert "Sec.", strike "will" and insert "shall", and insert "on" after "operative".

2. In the title, line 8, insert "to provide an operative date;" after the semicolon.

LEGISLATIVE BILL 86. Replaced on Select File as amended.
E & R amendment to LB 86:

1. In the last line of the Swigart amendment, insert a period after "due".

LEGISLATIVE BILL 302. Placed on Select File.
LEGISLATIVE BILL 302A. Placed on Select File.

LEGISLATIVE BILL 257. Placed on Select File as amended.
E & R amendments to LB 257:

1. In lieu of the Bereuter amendment and the F. Lewis amendment as amended by the Dworak and Burrows amendments, on page 2, line 25, strike "and"; on page 3, line 1, strike the period and insert a semicolon, and after line 1 insert:

"(6) Department of Administrative Services; and

(7) Department of Economic Development."; on page 3, line 11, strike "and"; in line 14 strike the period and insert a semicolon, and after line 14 insert:

"(5) State Office of Planning and Programming; and

(6) Department of Revenue.".

2. On page 2, line 7, strike "therefor".

3. In lieu of the Fowler amendments, on page 5, line 26, strike "and"; and on page 6, line 3, strike the period and insert "; and" and after line 3 insert:

"(8) The Nebraska Accountability and Disclosure Commission, created by section 49-14,105, Revised Statutes Supplement, 1976.".

4. On page 10, line 21, insert a comma after "to".

5. In the title, line 8, strike "and"; and in line 9 insert "; and to provide for termination of this act" after "claims".

LEGISLATIVE BILL 257A. Placed on Select File.

LEGISLATIVE BILL 511. Placed on Select File as amended.
E & R amendment to LB 511:

1. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 512. Placed on Select File.

LEGISLATIVE BILL 513. Placed on Select File as amended.
E & R amendment to LB 513:
1. In the title, line 4, insert "; and to declare an emergency" before the period.

LEGISLATIVE BILL 514. Placed on Select File as amended.
E & R amendment to LB 514:
1. In the title, line 6, strike "and"
and insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 515: Placed on Select File as amended.
E & R amendment to LB 515:
1. In the title, line 7, insert "nongrant"
after "similar" and strike "and"; and in line 8 insert
"; and to declare an emergency" after "section".

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Clark asked unanimous consent to be excused for a short time. No objections. So ordered.

MOTION—Introduce Bill

Mr. Keyes moved the introduction of a new bill by the Committee on Revenue. (Req. No. 843)

Mr. Keyes moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The motion to introduce the bill prevailed with 30 ayes, 9 nays, 6 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 525. By Revenue Committee: Keyes, 3rd District, Chairman; Newell, 13th District; Dworak, 22nd District; Burrows, 30th District; Simon, 31st District.

A BILL FOR AN ACT to amend section 48-837, Reissue Revised Statutes of Nebraska, 1943, relating to labor; to require approval by the Governor of certain public employee agreements; and to repeal the original section.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 294. With Emergency.

A BILL FOR AN ACT to amend section 60-439, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska State Patrol; to limit the duties of agency legal counsel; 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, 42:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	DeCamp	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Merz	Mills
Moylan	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Venditte	Warner			

Voting in the negative, 4:

Cope	Cullan	Murphy	Stoney

Excused and not voting, 3:

Chambers	Duis	Maxey

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 419. With Emergency.

A BILL FOR AN ACT to amend sections 60-311.10 and 60-311.12, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.11, Revised Statutes Supplement, 1976, relating to motor vehicle registration; to authorize the issuance of prestige plates for commercial trucks as prescribed; to provide for the transfer of prestige plates; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	DeCamp
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Excused and not voting, 3:

Chambers Duis Maxey

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 459. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to provide legislative intent; to create the Nebraska Postsecondary Education Advisory Committee as prescribed; to provide powers, duties, and responsibilities of such committee; to provide duties of postsecondary institutions and the Nebraska Coordinating Commission for Postsecondary Education; to eliminate the Nebraska Coordinating Commission for Technical Community Colleges; to amend sections 79-2637, 79-2644, 79-2651, 79-2652, and 85-910, Revised Statutes Supplement, 1976; to provide severability; to repeal the original sections, and also sections 79-2642 and 79-2654 to 79-2661, Revised Statutes Supplement, 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, 47:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Excused and not voting, 2:

Duis Maxey

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 459A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 459, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Labedz

Excused and not voting, 2:

Duis Maxey

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 481. With Emergency.

A BILL FOR AN ACT to amend section 23-343.01, Reissue Revised Statutes of Nebraka, 1943, relating to county hospitals; to provide an exception to the requirement that only one member of the board of trustees shall be from the city or precinct in which a facility is located; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	Cullan	DeCamp
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Merz
Moylan	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 4:

Clark Labedz Mills Murphy

Excused and not voting, 2:

Duis Maxey

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 264. Mr. Burrows moved to return LB 264 to Select File for the specific amendment found in the Journal on page 1139.

Mr. F. Lewis 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 Burrows motion to return LB 264 lost with 10 ayes, 24 nays, 13 present and not voting, and 2 excused and not voting.

Mr. Fowler asked unanimous consent to bracket LB 264 until April 4, 1977. No objections. So ordered.

EXPLANATION OF VOTE

Had I been in the Chamber, I would have voted "Aye" on LB 481 on final reading.

(Signed) J. R. Murphy

SPEAKER'S ORDER

The Legislature will not meet on Thursday, April 7, Friday, April 8, and Monday, April 11, 1977.

(Signed) Roland Luedtke, Speaker

MOTION–Suspend Rules

Mr. Schmit moved to suspend Rule 3, Sec. 5, to hold a hearing on LB 182 on Tuesday, April 5, 1977.

The motion prevailed with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

NOTICE OF COMMITTEE HEARING
Agriculture and Environment

LB 182	Tuesday, April 5, 1977 (2nd Hearing)	12:00 Noon

(Signed) Loran Schmit, Chairman

GENERAL FILE

LEGISLATIVE BILL 64. Considered.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on page 1172. No objections. So ordered.

Mr. Boughn asked unanimous consent to be excused at 11:10 until he returns. No objections. So ordered.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Mr. Chambers moved for a Call of the House. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on advancing LB 64 to E & R for Review.

Voting in the affirmative, 20:

Boughn	Brennan	Carsten	Chambers	Cullan
Dworak	Fowler	Kelly	Keyes	Koch
Kremer	F. Lewis	Marsh	Marvel	Newell
Reutzel	Rumery	Simon	Swigart	Warner

Voting in the negative, 29:

Barnett	Bereuter	Burrows	Clark	Cope
DeCamp	Duis	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Maxey	Merz
Mills	Moylan	Murphy	Nichol	Rasmussen
Savage	Schmit	Stoney	Venditte	

Not voting, 0.

Failed to advance to E & R for Review with 20 ayes, 29 nays, and 0 not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

CORRECTED STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendments to LB 373:

1. On page 3, line 1, strike "forty-five" and insert "~~forty-five~~ sixty-eight"; and strike beginning with the comma in line 1 through "limitation" in line 3.

(Signed) John DeCamp, Chairman

ANNOUNCEMENTS

Mr. Kremer announced the Public Works Committee will meet in executive session at 12:15 p.m. on Tuesday, April 5, 1977 in Room 2102.

Mr. Maresh announced that anyone interested in recycling solid wastes that a 20 minute film on this subject will be shown at 1:30 p.m. today in the east lounge.

Mr. Bereuter asked unanimous consent to be excused at 11:45 a.m. until he returns. No objections. So ordered.

UNANIMOUS CONSENT—Approve Appointments

Mrs. Labedz asked unanimous consent to lay over action on the Committee on Committees report on Mr. Snow and Mrs. Stark found in the Journal on page 1159. No objections. So ordered.

Mr. Savage moved the confirmation of the appointment of Mr. Ralph Slocum to the Accountability and Disclosure Commission found in the Journal on page 1159.

Voting in the affirmative, 25:

Boughn	Burrows	Clark	Cope	DeCamp
Duis	Dworak	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Moylan
Reutzel	Savage	Simon	Swigart	Warner

Voting in the negative, 2:

Chambers Mills

Present and not voting, 21:

Barnett	Brennan	Carsten	Cullan	Fitzgerald
Fowler	George	Goodrich	Kelly	Lamb
Marvel	Maxey	Merz	Murphy	Newell
Nichol	Rasmussen	Rumery	Schmit	Stoney
Venditte				

Excused and not voting, 1:

Bereuter

The Chair declared the appointment confirmed.

Mr. Savage moved the confirmation of the appointment of James M. Davis to the Accountability and Disclosure Commission found in the Journal on page 1159.

Voting in the affirmative, 26:

Barnett	Boughn	Burrows	Carsten	Cope
DeCamp	Duis	Dworak	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Merz
Reutzel	Savage	Simon	Stoney	Swigart
Warner				

Voting in the negative, 4:

Chambers	Marvel	Mills	Murphy

Present and not voting, 18:

Brennan	Clark	Cullan	Fitzgerald	Fowler
George	Goodrich	Kelly	Labedz	Lamb
Maxey	Moylan	Newell	Nichol	Rasmussen
Rumery	Schmit	Venditte		

Excused and not voting, 1:

Bereuter

The Chair declared the appointment confirmed.

Mr. Savage moved the confirmation of the appointments of William E. Peters and Donald R. Treadway to the Code of Ethics Board; and Norman L. Stadtler to the Motor Vehicle Industry Licensing Board found in the Journal on page 1160.

Voting in the affirmative, 28:

Boughn	Carsten	Clark	Cope	DeCamp
Duis	Dworak	Hasebroock	Hefner	Kahle
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Merz
Mills	Murphy	Rumery	Savage	Schmit
Simon	Stoney	Swigart		

Voting in the negative, 0.

Present and not voting, 20:

Barnett	Brennan	Burrows	Chambers	Cullan
Fitzgerald	Fowler	George	Goodrich	Kelly
Keyes	Labedz	Maxey	Moylan	Newell
Nichol	Rasmussen	Reutzel	Venditte	Warner

Excused and not voting, 1:

Bereuter

The Chair declared the appointments confirmed.

RESOLUTION

LEGISLATIVE RESOLUTION 34. Considered.

Mr. Dworak asked unanimous consent to withdraw his pending amendment found in the Journal on page 1181. No objections. So ordered.

Mr. R. Lewis offered the following amendment:

1. On page 931 of the Journal insert a new paragraph as follows:

"16. That until January 1, 1980, or the conclusion of the study, whichever is later, the Nebraska Power Review Board shall not have authority to modify retail service areas and no supplier of electricity shall offer or provide electric service to additional ultimate users outside of the presently existing service area of such supplier, except (a) suppliers shall have authority by express written agreement and waiver to change service areas or customers to be served with the approval of the Nebraska Power Review Board, and (b) a municipality shall be entitled, with approval of the board, to extension of service area to include areas within the corporate limits of a municipality, which have actually in place, extended and available to those desiring such service, sewer service, water service, and police and fire protection.".

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The R. Lewis amendment was adopted with 28 ayes, 2 nays, 18 present and not voting, and 1 excused and not voting.

LR 34 was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

MOTION – Withdraw LB 100

Mr. R. Lewis moved to withdraw LB 100.

Motion pending.

MOTION – Place LB 207 on General File

Mr. Keyes renewed his pending motion found in the Journal on page 1096 to place LB 207 on General File notwithstanding the Committee action.

Motion pending.

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Executive Board in room 2102 after adjournment today.

SELECT FILE

LEGISLATIVE BILL 283. E & R amendments found in the Journal on page 1156 for the Fifty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 324. E & R amendment found in the Journal on page 1156 for the Fifty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

VISITORS

The President introduced a group of 130 from the Farm Bureau youth citizenship; 39 seventh and eighth grade students and sponsor from Sacred Heart School, Omaha; 24 fifth and sixth grade students from Kahoa School, Lincoln; 40 twelfth grade students and instructors from Raymond Central, Raymond, Nebraska; Allen and Cathy Kahle and children, Christine, David and Mark, family of Senator Martin Kahle; 38 junior students from Hastings; 27 second grade students and teacher from Dawes Elementary School; Mr. Roger Davis from the School of Visually Impaired from Nebraska City and several students; 30 seniors and teacher from Harvard High School, Harvard; 20 junior and senior students and teacher from Southeast High School, Lincoln; and 18 junior and senior students and teacher from Malcolm High School, Malcolm.

RECESS

At 12:00 noon, on a motion by Speaker Luedtke, 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 Mr. Schmit who was excused; Messrs. Clark, Simon, and Mrs. Maxey who were excused until they arrive; Messrs. Marvel and Warner who were absent until 2:30 p.m.; and Mr. Chambers who was absent until 3:00 p.m.

MOTION–Place LB 207 on General File

Mr. Keyes renewed his pending motion found in the Journal on page 1096 to place LB 207 on General File notwithstanding the committee action.

Mr. Rasmussen 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. Keyes moved for a Call of the House. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to place LB 207 on General File lost with 17 ayes, 15 nays, 11 present and not voting, 3 absent and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 61. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 2 nays, 14 present and not voting, 3 absent and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 238. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 14 present and not voting, 2 absent and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 497. Title read. Considered.

Standing Committee amendments found in the Journal on page 875 for the Forty-Fourth Day were adopted with 25 ayes, 0 nays, 20 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, 1 absent and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 506. Title read. Considered.

Standing Committee amendment found in the Journal on page 897 for the Forty-Fifth Day was adopted with 28 ayes, 0 nays, 18 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 17 present and not voting, 1 absent and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 201. Title read. Considered.

Standing Committee amendment referred to in the Journal on page 1002 for the Forty-Eighth Day was adopted with 25 ayes, 0 nays, 21 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Mr. Moylan offered the following amendment:

1. Insert a new section as follows:

"Sec. 7. That section 32-460, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-460. Any voter who declares to the judge of election that he cannot read or that he suffers blindness or other physical disability or handicap, and that such disability or handicap is such that in the discretion of one of the judges of the election board it might endanger the life or limb of such person upon entering the polling place, shall, upon request, receive the assistance in the marking of his ballot of one judge and one clerk of election, each of different political parties, one of whom shall be of the voter's own political party. One judge and one clerk of election, each of different political parties, may take the ballot or ballots from the polling place to a convenient place within the building or to the voter's automobile, if the automobile is within one block of the polling place, and the disabled or handicapped person may cast his ballot in the general presence of the judge and the clerk. Such officers shall give no information regarding the same.

The judge shall require such declaration of blindness, disability, or handicap, by the voter, under oath before him, and he is hereby qualified to administer the same. No elector other than the one who may, because of his inability to read, physical disability, or handicap be unable to mark his ballot, shall divulge to anyone within the polling place the name of any candidate for whom he intends to vote, or ask or receive assistance within the polling place in the preparation of his ballot; Provided, that if such disability is by reason of paraplegia or blindness the voter may at his request be assisted in marking his ballot by a relative or friend of his selection. ~~The person rendering assistance must be a registered voter in the State of Nebraska.~~ The judges of election shall enter upon the poll list or official poll record after the name of any elector who receives such assistance in marking his ballot a memorandum of the fact, including the name of such person rendering assistance to the elector. Whoever shall aid the voter shall subscribe to an oath before the judge of the election which shall be substantially as follows:

OATH

....., being first duly sworn on oath deposes and says that he is a friend or relative of ....., a disabled voter who is disabled by reason of paraplegia or blindness, that he was requested to mark the ballot of such disabled voter, that he did enter the voting booth with such disabled voter, and marked the ballot according to the intentions and desires of the voter, that the ballot at all times has been kept in the possession of the person rendering assistance, and that the ballot was duly delivered to the judge of the election on this ..... day of ....., 19.... .".

2. On page 36, line 19, after "5-108," insert "32-460,".

3. Renumber original sections 7 through 15 as sections 8 through 16 respectively.

The amendment was adopted with 29 ayes, 3 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Reutzel offered the following amendment:

AMENDMENT TO LB 201

Page 8, Line 19 of Committee Amendment.

After the word "stricken" strike the balance of the line and all of lines 20 through 26.

The amendment lost with 10 ayes, 20 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Rasmussen offered the following amendment:
(Amendments printed separate from the Journal and on file in the Clerk's office - Req. No. 2515.)

The amendment was adopted with 30 ayes, 2 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Maresh offered the following amendment:
To amend LB 201 by reinstating stricken matter on page 26.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet under the North Balcony for a short meeting immediately upon adjournment today.

EXPLANATION OF VOTE

Had I been present for the voting on LB 238 I would have voted in the affirmative.

(Signed) Neil Simon

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 426. Placed on General File as amended.
Standing Committee amendments to LB 426:

1. On page 2, line 26 after "license" insert "," and strike "for each brand," and show as stricken.

2. On page 3, line 3 before "territory" insert "sales"; in line 4 after "brewer" insert an underscored period; and strike beginning with "as" in line 4 through the period in line 5 and show as stricken and insert "The designated sales territory shall be the same territory authorized by the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, as set forth in the application for importers and wholesaler's basic permit under the Federal Alcohol Administration Act in which the licensee sets forth the name of the malt beverages which the licensee has been designated distributing agent.".

3. Insert a new section as follows:

"Sec. 9. 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) Donald Dworak, Chairman

MOTION–Place LB 62 on General File

Mr. Chambers moved to place LB 62 on General File notwithstanding the committee action.

Motion pending.

MOTION–Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 844)

The motion prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations, (Req. No. 812), relating to the Nebraska Psychiatric Institute.

The motion lost with 21 ayes, 13 nays, 13 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 526. By Appropriations Committee: Warner, 25th District, Chairman; Cope, 36th District; Rumery, 42nd District; Marsh, 29th District; Fowler, 27th District; Hasebroock, 18th District; Savage, 10th District; Goodrich, 20th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend section 81-125, Reissue Revised Statutes of Nebraska, 1943, and section 50-423, Revised Statutes Supplement, 1976, relating to the state budget; to define deficiency; to change the date the state budget is to be submitted by the Governor as prescribed; to provide that deficiency funding recommendations be included in such budget; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 498. Title read. Considered.

Standing Committee amendment found in the Journal on page 1002 for the Forty-Eighth Day was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 337. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 9 nays, 13 present and not voting, and 2 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

LEGISLATIVE BILL 260. Title read. Considered.

Standing Committee amendment found in the Journal on page 1053 for the Fifty-First Day lost with 21 ayes, 11 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Duis offered the following amendment:
Amend page 2 line 6 reinstate word "tornado"

The amendment was aodpted with 27 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 478. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 500. Title read. Considered.

Advanced to E & R for Review with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

SPEAKER LUEDTKE PRESIDING

Standing Committee amendments found in the Journal on page 1081 for the Fifty-First Day were considered.

Laid over.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 162. Title read. Considered.

Laid over.

LEGISLATIVE BILL 366. Title read. Considered.

Standing Committee amendments found in the Journal on page 1085 for the Fifty-First Day were adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

PRESIDENT WHELAN PRESIDING

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 161A. By Barnett, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 161, Eighty-fifth Legislature, First Session, 1977.

LEGISLATIVE BILL 503A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

LEGISLATIVE BILL 512A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 512, Eighty-fifth Legislature, First Session, 1977.

LEGISLATIVE BILL 515A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 515, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 291. Title read. Considered.

Standing Committee amendment found in the Journal on page 1093 for the Fifty-Second Day was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 290. Title read. Considered.

Laid over.

LEGISLATIVE BILL 333. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT – Expedite LB 498

Mr. Rumery asked unanimous consent to expedite LB 498. No objections. So ordered.

UNANIMOUS CONSENT – Member Excused

Mr. Rasmussen asked unanimous consent to be excused Monday, Tuesday and Wednesday, April 4, 5, and 6. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 173. Title read. Considered.

Standing Committee amendment found in the Journal on page 576 for the Twenty-Ninth Day was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 168. Title read. Considered.

Laid over.

UNANIMOUS CONSENT–LB 248

Mr. Kremer asked unanimous consent to consider LB 248. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 248. Mr. Kremer moved to return LB 248 to the Public Works Committee.

The motion prevailed with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

VISITORS

The President introduced 34 students and sponsor from Arcadia Public School, Arcadia.

ADJOURNMENT

At 4:31 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, April 1, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SIXTH DAY--APRIL 1, 1977

LEGISLATIVE JOURNAL

FIFTY-SIXTH DAY—APRIL 1, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 1, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, on this day which we call Fool's Day, help us to be wise. Hear the prayers of this House as we pray for the needs of Your people.
>
> Aid us in gaining solutions to our energy crisis and economic problems.
>
> Be of assistance to our fellow citizens who are in our institutions for the mentally and emotionally disturbed.
>
> Help our brothers and sisters, who are deaf or blind. Console those who are in our prisons and give them hope. Be strength and light to our State Patrol and National Guardsmen. Give patience to our school teachers.
>
> Bless and reward all elected officials of our State and give them the love and understanding they deserve. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Koch who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1203, line 27, delete "14" and insert "13".
Page 1208, line 2, insert "GENERAL FILE".
The Journal for the Fifty-Fifth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Warner asked unanimous consent for the members of the Appropriations Committee to be excused today, Friday, April 1st, for executive session and public hearings. No objections. So ordered.

Mr. Duis 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 March 30, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Knudsen, Berkheimer, Endacott & Beam:
Beam, C. Arlen - Lincoln, Nebraska Aviation Trades Association
Ruth, Larry L. - Lincoln, Nebraska Aviation Trades Association

Kruger, E. C. - Fairbury, Nebraska Consumer Credit Association
Skochdopole, Robert A. - Omaha, Governors of the Knights of AkSarBen

REFERENCE COMMITTEE REPORT

LB	Committee
525	Bus. and Labor
526	Appropriations

(Signed) Richard Marvel, Chairman

COMMUNICATION

Acknowledged receipt of House Joint Resolution No. 168 from Virginia applying to Congress to call a convention for the purpose of amending the Constitution of the United States to provide the President with the power to veto any particular item or items of any appropriations bill.
(On file in the Clerk's office.)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 430. Replaced on Select File as amended.
E & R amendment to LB 430:
1. In the title, line 6, insert ", and also section 79-549, Reissue Revised Statutes of Nebraska, 1943" after "section".

LEGISLATIVE BILL 80. Replaced on Select File as amended.
E & R amendment to LB 80:
1. In committee amendments, line 10, strike ", north" and insert "north,".

LEGISLATIVE BILL 494. Replaced on Select File as amended.
E & R amendment to LB 494:
1. Because of the Warner amendment adopted 3/29, strike the Warner amendment adopted 3/24.

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 386. Placed on General File as amended.
Standing Committee amendment to LB 386:
1. Strike original sections 2, 3, and 5.
2. On pages 8 and 9 reinstate the stricken subsection (2).
3. On page 9, lines 18, 19, 20, 25, and 26, strike the new matter and reinstate the stricken matter.
4. On page 10, lines 1, 5, and 9 strike the new matter and reinstate the stricken matter.
5. On page 10, line 14 strike the comma and insert "and"; in line 15 strike "and 53-168,"; in line 16 strike "sections 53-132, 53-133, and" and insert "section".

(Signed) Donald Dworak, Chairman

UNANIMOUS CONSENT—Print in Journal

Mr. Luedtke asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

UNIVERSITY OF NEBRASKA
Department of Intercollegiate Athletics
Memorial Stadium
Lincoln, Nebraska 68588

March 30, 1977

The Honorable Roland Luedtke
Speaker of the Unicameral
State Capitol
Lincoln, Nebraska 68509

Dear Senator:

I am honored by the proposal to name the playing field at Memorial Stadium the Robert S. Devaney Field, but respectfully and humbly, I ask that you withdraw my name from such consideration. Stadiums are synonymous with their playing fields. They are interdependent. Stadiums are filled with fans drawn by the feats of sportsmanship and courage on the field. The field is a stadium's heart.

Carved in granite for all posterity in the east towers of Memorial Stadium are the words of grateful Nebraskans who built it. They read:

"In commemoration of the men of Nebraska who served and fell in the nation's wars. * * * Their lives they held their country's trust. They kept its faith. They died its heroes."

The field is also their glory, their memorial. To add another name to the field would be, at the least, confusing. Senator, as much as I appreciate your intended honor, I feel we should not detract in any way from the glory of the men of Nebraska who made the supreme sacrifice for their country.

Respectfully yours,

(Signed) Bob Devaney
Athletic Director

cc: Senator Frank Lewis
BD/js

ANNOUNCEMENT

Mr. DeCamp announced the Banking, Commerce and Insurance Committee will meet in executive session on Monday, April 4, 1977 at 8:30 a.m. in Room 2230.

UNANIMOUS CONSENT–Member Excused

Mrs. Maxey asked unanimous consent to be excused from 9:55 a.m. until 10:30 a.m. No objections. So ordered.

MOTION–Introduce Bill

Mr. Dworak moved the introduction of a new bill by the Committee on Miscellaneous Subjects, (Req. No. 730) relating to horse racing.

Mr. Dworak moved for a Call of the House. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Brennan	Burrows	Clark	DeCamp
Dworak	Fitzgerald	Fowler	Goodrich	Hefner
Kahle	Kelly	Keyes	Labedz	F. Lewis
Marvel	Mills	Moylan	Newell	Reutzel
Savage	Schmit	Simon	Venditte	

Voting in the negative, 21:

Bereuter	Boughn	Carsten	Cope	Cullan
Duis	Hasebroock	Kremer	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Nichol	Rasmussen	Rumery	Stoney	Swigart
Warner				

Present and not voting, 3:

Chambers	George	Murphy

Excused and not voting, 1:

Koch

The motion to introduce lost with 24 ayes, 21 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Dworak moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

MOTION—Introduce Bill

Mr. F. Lewis moved the introduction of a new bill by the Committee on Education (Req. No. 851).

The motion prevailed with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 527. By Education Committee: F. Lewis, 45th District, Chairman; Kahle, 37th District; George, 16th District; Lamb, 43rd District; Fitzgerald, 14th District.

A BILL FOR AN ACT relating to specific conveyances; to authorize the Game and Parks Commission to purchase or obtain title to a certain abandoned railroad right-of-way as described; and to declare an emergency.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1977, at 9:10 a.m., were the following bills: 230, 230A, 79, 79A, 111, 126, 401, 462, and 473.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 208, 274, 305, 305A, 345, 467, 484, and 503.

Correctly Enrolled

The following bills were correctly enrolled: 294, 419, 459, 459A, and 481.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 294, 419, 459, 459A, and 481.

UNANIMOUS CONSENT–Print Amendment to LB 430

Mr. Lamb asked unanimous consent to print the following amendments to LB 430 in the Journal. No objections. So ordered.

Amendments to LB 430

1. Strike the Hefner amendment found on page 1182 of the Journal.

2. Insert a new section as follows:

"Section 1. That section 79-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-549. The school board or board of education of any Class I, II, or III school district offering a kindergarten program may elect to offer such program ~~either~~ half days only for the full school year, ~~or~~ full days for one half the school year, or for three full days per week for the full school year. If the full day for half-year option

is utilized, it shall be during the second semester of the school year.".

3. On page 3, line 21 after "section" insert "79-549, Reissue Revised Statutes of Nebraska, 1943, and section"; and in line 22 strike "is" and insert "are".

4. Renumber remaining sections accordingly.

MOTION—Suspend Rules

Mr. Clark moved to suspend Rule 6, Sec. 6(b) to read LB 368 on Final Reading today.

The motion prevailed with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 368.

A BILL FOR AN ACT to amend section 79-1254.02, Revised Statutes Supplement, 1976, relating to school; to exempt state colleges and the university from certain teacher contract renewal 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:

Barnett	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cullan	DeCamp	Duis
Fitzgerald	George	Hefner	Kahle	Kelly
Kremer	Labedz	Lamb	F. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 1:

Dworak

Present and not voting, 2:

Keyes R. Lewis

Excused and not voting, 10:

Bereuter	Cope	Fowler	Goodrich	Hasebroock
Koch	Marsh	Rumery	Savage	Warner

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

UNANIMOUS CONSENT–Member Excused

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Barnett renewed his pending amendments to Article 8 (1) through (4) found in the Journal on page 1186.

Mr. Reutzel moved for a Call of the House. The motion prevailed with 11 ayes, 1 nay, and 37 not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Amendment (1) was adopted with 25 ayes, 4 nays, 9 present and not voting, and 11 excused and not voting.

Mr. Reutzel offered the following amendment to the Barnett amendment (2):

Amend Barnett amendment number 2 of LB 38
On page 127 strike lines 1 through 7 and insert a period after debauchery on line 13 and strike the remainder of the line.

The amendment was adopted with 22 ayes, 0 nays, 15 present and not voting, and 12 excused and not voting.

Amendment (2), as amended, was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Amendment (3) was adopted with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

Amendment (4) was adopted with 26 ayes, 3 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Venditte moved to indefinitely postpone.

Motion pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 498. Placed on Select File as amended.
E & R amendment to LB 498:

1. In the title, line 5, strike "and"; and in line 6 insert "; and to declare an emergency" after "section".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE RESOLUTION 22. Placed on General File.

(Signed) Maurice Kremer, Chairman

Statement on LR 22

LR 22, Introduced by Senators DeCamp and Kremer

Public Hearing on March 23, 1977

INTENT: LR 22 urges the Washington congressional delegation to publicly commit themselves in support of the Norden Dam project, and to agressively work to forward the project in Congress. It also requests that the Bureau of Reclamation expedite its work on supplementing the environmental impact statement and that the Carter administration complete their review of the project as promptly as possible.

PROPONENTS: Testifying in support of the resolution, in addition to Senator DeCamp, one of the introducers, were Alfred Drayton of the O'Neill Unit; John Mayne of the Bureau of Reclamation, Grand Island; V. H. Dreeszen, Conservation and Survey Division, University; Dayle Williamson of the Natural Resources Commission; Pat Patitz of the Nebraska Water Resources Association; Leonard Shafer and Nels Petersen, representing labor; Fred Krugman of O'Neill; James A. Frerichs, Atkinson; Howard Carr, Springview; Glenn H. LeDioyt, Omaha; Larry Rice; John Nels; and a written statement by Deon Axthelm of the Cooperative Extension Service, University, and Don Long of Central Nebraska Public Power and Irrigation District. It was brought out that the project is badly needed to recharge the underground water table, to try to offset the currently declining level. It is estimated that 77,000 acres of land can be

irrigated through this project, and it was estimated that 175,000 people during one year would spend time there for recreational and sports activities. It was stated that the three natural resources districts in the area support the project. It was also brought out that twenty-three items were considered on the environmental impact statement, of which only four were questioned, and it was felt those had been resolved or could be resolved shortly. As to the cost of the project, it was estimated that 95% will eventually be returned to the treasury. Mr. Dreeszen stated there was much more water running out of the area than comes into it from the west under current conditions, and it would be most advisable to impound some of this water in the area. The proponents also stated that they felt the benefits outweighed the cost of the project. When a tablet was passed around through the audience in order that people could register their support or opposition to the project, 133 registered in favor of construction of the dam and 65 were opposed.

OPPONENTS: The following individuals testified in opposition to the resolution: Wesley Sandall of Bassett and Loren Wilson of Lincoln (Save the Niobrara River Association); Loyd Fischer, William Wayne, and Glen Burda of Lincoln; Mrs. Marilyn Lund and Martin Peterson of Bassett; Robert Warrick of Meadow Grove (Sierra Club member); Keith Harmon of Firth; Linda Munk of Newport; and Kenneth Emry. The opponents were almost exclusively environmentalists and individuals whose farms would be crossed by the canals from the dam. Mrs. Munk and Mr. Sandall indicated these canals would ruin their own irrigation systems, as the pivot systems could not be used with the canals crossing their land. Mr. Fischer felt the cost per acre for the construction of the dam was excessive. Mr. Emry indicated he felt there was a safety factor involved.

COMMITTEE ACTION: The committee voted to advance LR 22 to General File on a vote of six in favor (Senators Kelly, Kremer, R. Lewis, Mills, Moylan, and Swigart) and two absent and not voting (Senators Boughn and Merz).

(Signed) Maurice Kremer, Chairman

April 1, 1977

MOTION–Withdraw LB 100

Mr. R. Lewis renewed his pending motion found in the Journal on page 1202 to withdraw LB 100.

The motion prevailed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mrs. Maxey asked unanimous consent to be excused at 11:00 a.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 511. E & R amendment found in the Journal on page 1191 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 512. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 513. E & R amendment found in the Journal on page 1192 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 514. E & R amendment found in the Journal on page 1192 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 515. E & R amendment found in the Journal on page 1192 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 45. Mr. DeCamp renewed his pending amendment found in the Journal on page 880.

Amendment pending.

ESCORT VISITOR

The President appointed Messrs. R. Lewis and Mills to escort Mr. Frank Zorb, former Director of the Federal Energy Commission to the rostrum. Mr. Zarb spoke to the members briefly.

The Committee escorted Mr. Zarb from the Chamber.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 45. The DeCamp pending amendment found in the Journal on page 880 was renewed.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?"

Mr. Reutzel moved for a Call of the House. The motion lost with 11 ayes, 18 nays, and 20 not voting.

The motion to close debate lost with 16 ayes, 13 nays, and 20 not voting.

Mr. Stoney 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. Chambers moved to recess until 2:00 p.m. The motion lost.

The DeCamp amendment lost with 13 ayes, 19 nays, 8 present and not voting, and 9 excused and not voting.

Laid over.

UNANIMOUS CONSENT—Print Amendment to LB 168

Mr. Stoney asked unanimous consent to print the following amendment to LB 168 in the Journal. No objections. So ordered.

To Amend LB 168 as Follows:
On Line 11 after the period, insert the following: One additional complete set, and one complete set of such volumes as are necessary to update previously issued volumes may be obtained by written request.

REFERENCE COMMITTEE REPORT

LB	Committee
527	Cons. Rev. & Rec.

(Signed) Richard Marvel; Larry Stoney; William Nichol; R. Lewis; Roland Luedtke

REPORT OF EXECUTIVE BOARD

Report of the Legislative Council Executive Board
April 1, 1977

Motion was made and seconded by the Legislative Council Executive Board at its March 31, 1977 meeting that all permanent legislative employees be authorized to take as holidays April 8 and April 11 when the Legislature will be in recess. If the permanent employee is required to work on those days, such employee will be allowed compensatory time for the time worked.

(Signed) Senator Richard Marvel, Chairman
Legislative Council Executive Board

VISITORS

The President introduced Gary Hubicek, Maynard Flanme, and Doug Watson, from No. Bend FFA; 9 4-H members from Red Willow County and 7 4-H members from Lancaster County; and 35 fourth grade students and teacher from Wasmer Elementary School, Grand Island; and Mr. and Mrs. Ralph Mason from Loveland, Colorado.

RECESS

At 12:08 p.m., on a motion by Mr. F. Lewis, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:02 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Clark, Duis, DeCamp, and the members of the Appropriations Committee who were excused; and Mrs. Labedz, Mr. F. Lewis, and Mrs. Maxey who were excused until they arrive.

UNANIMOUS CONSENT—Members Excused

Mr. Merz asked unanimous consent to be excused at 2:45 p.m. No objections. So ordered.

Mr. F. Lewis asked unanimous consent to be excused Monday, April 4, 1977, until he arrives. No objections. So ordered.

ANNOUNCEMENT

Mr. Rasmussen announced an executive session of the Government, Military, and Veterans Affairs Committee at 2:15 p.m. under the North Balcony.

SELECT FILE

LEGISLATIVE BILL 353. E & R amendments found in the Journal on page 1190 for the Fifty-Fifth Day were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 86. E & R amendment found in the Journal on page 1191 for the Fifty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. Mr. Murphy moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 302A. Laid over.

LEGISLATIVE BILL 257. E & R amendments found in the Journal on page 1191 for the Fifty-Fifth Day were adopted.

Mr. Rasmussen asked unanimous consent to bracket until April 12, 1977. No objections. So ordered.

LEGISLATIVE BILL 257A. Bracketed until April 12, 1977.

LEGISLATIVE BILL 45. Mr. Murphy offered the following amendment:
Select File Amendment to LB 45:

Insert a new Section 2 to read as follows: "The Supreme Court shall have original jurisdiction in cases originating from this statute as provided in Chapter 24, Section 204 and 204.01 R.R.S. 1943." Renumber Sections 2 and 3.

The amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, 2 absent and not voting, and 15 excused and not voting.

Mr. Murphy moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Murphy moved the Call be raised. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

Advanced to E & R for Engrossment with 26 ayes, 12 nays, 3 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 510. Mr. Murphy asked unanimous consent to bracket until Wednesday, April 6, 1977. No objections. So ordered.

LEGISLATIVE BILL 109. Mr. Reutzel asked unanimous consent to bracket until April 5, 1977. No objections. So ordered.

LEGISLATIVE BILL 109A. Mr. Reutzel asked unanimous consent to bracket until April 5, 1977. No objections. So ordered.

LEGISLATIVE BILL 30. Mr. DeCamp asked unanimous consent to bracket until April 11, 1977. No objections. So ordered.

LEGISLATIVE BILL 498. E & R amendment found in the Journal on page 1220 was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 398. Mr. Kahle asked unanimous consent to bracket until April 5, 1977. No objections. So ordered.

LEGISLATIVE BILL 90. Considered.

Mr. Rasmussen moved to indefinitely postpone.

Mr. Venditte 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. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The motion to indefinitely postpone lost with 9 ayes, 22 nays, 6 present and not voting, and 12 excused and not voting.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1168.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Goodrich amendment was adopted with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:

To Amend LB 90:

Add new section:

Should any person be defrauded of anything of value as a result of relying on the validity of a license bearing a color photograph as provided in this bill, and the license has been altered to depict a person other than the rightful owner, the company whose process is used to produce the picture shall indemnify the defrauded person for any actual loss suffered.

The amendment lost with 8 ayes, 18 nays, 11 present and not voting, and 12 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:

To amend LB 90:

Add a new section:

"To the extent that crime is reduced by the operation of this act, the manpower of the Nebraska State Patrol shall be reduced accordingly."

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment lost with 5 ayes, 16 nays, 15 present and not voting, and 13 excused and not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

Mr. Goodrich requested a roll call vote on advancing LB 90.

Voting in the affirmative, 26:

Barnett	Boughn	Cope	Dworak	Fitzgerald
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Luedtke
Marsh	Marvel	Mills	Moylan	Newell
Nichol	Rumery	Savage	Simon	Stoney
Swigart				

Voting in the negative, 13:

Brennan	Carsten	Chambers	Cullan	Fowler
Lamb	F. Lewis	R. Lewis	Maresh	Maxey
Rasmussen	Reutzel	Warner		

Present and not voting, 4:

Burrows	Murphy	Schmit	Venditte

Excused and not voting, 6:

Bereuter	Clark	DeCamp	Duis	Labedz
Merz				

Advanced to E & R for Review with 26 ayes, 13 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

LEGISLATIVE BILL 90A. Title read. Considered.

Mr. Murphy moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

Advanced to E & R for Review with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

UNANIMOUS CONSENT--Print Amendment to LB 170

Mr. Marvel asked unanimous consent to print the following amendment to LB 170 in the Journal. No objections. So ordered.

Amendment to LB 170

1. On page 2, strike beginning with "The" in line 1 through "state" in line 4 and insert "Each county assessor or county clerk where he is ex officio county assessor shall make a valuation of all taxable real property in such assessor's county"; in line 5 after "shall" insert ", in cooperation with the various county assessors,"; in line 6 strike "computerized".

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 476. Placed on General File.

(Signed) Walter George, Chairman

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 525 Wednesday, April 13, 1977 12:00 noon

(Signed) Richard Maresh, Chairman

ADJOURNMENT

At 4:17 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 10:00 a.m., Monday, April 4, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-SEVENTH DAY–APRIL 4, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 4, 1977

Pursuant to adjournment, the Legislature met at 10:01 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Today as we are about to celebrate the great Holy Days of Christians and Jews, Holy Week and Passover, let us be reminded again through the faith and beliefs of our religions of the principles and directives which should guide us. May there be a continuing concern on your part as legislators for those who are in need, for those who are deprived of any of their rights in our State, and for the promotion of justice and prosperity for all. May these Holy Days, then, enable us to act as true followers of the beliefs which we have and may it find expression in every act and law that is passed. May this Holy Season be a happy season for us and for all people of this State. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Rasmussen who was excused; Messrs. Kelly, F. Lewis, Murphy, Simon and Swigart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1222, line 24, correct spelling of "Zarb".
Page 1224, line 14, correct spelling of "Kubicek" and "Flamme".
The Journal for the Fifty-Sixth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 4, 1977, at 9:10 a.m., were the following bills: 294, 419, 459, 459A, and 481.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 61. Placed on Select File as amended.
E & R amendments to LB 61:

1. In committee amendments, page 2, insert a comma at the end of line 1.
2. In committee amendments, page 5, line 22, strike "is" and insert "shall be".
3. In committee amendments, page 6, insert a comma after "district" in line 19 and after "construction" in line 22.
4. In committee amendments, page 7, line 16, strike "In the event that" and insert "If,".
5. In the title, strike lines 2 to 9 and insert: "FOR AN ACT to adopt the Business Improvement Act.".

LEGISLATIVE BILL 238. Placed on Select File as amended.
E & R amendments to LB 238:

1. On page 2, line 16, insert an underscored comma after "facilities".
2. In committee amendments, line 11, strike the first "14" and insert "4".
3. In the title, strike beginning with "to" in line 5 through the semicolon in line 7 and insert "to provide additional locations for off-street parking facilities;".

LEGISLATIVE BILL 497. Placed on Select File as amended.
E & R amendment to LB 497:

1. In the title, strike lines 2 to 4 and insert: "FOR AN ACT to amend section 29-404, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedures; to provide for complaints by a city or village".

LEGISLATIVE BILL 506. Placed on Select File.

LEGISLATIVE BILL 201. Placed on Select File as amended.
E & R amendments to LB 201:

1. The Rasmussen amendments being identical to committee amendments, strike the Rasmussen amendments.
2. In committee amendments, page 5, line 26, insert an underscored comma after "held".

3. Renumber the section added by the Moylan amendment as section 8, and original section 7 as section 9.

4. Amendatory matter having been removed therefrom by the Maresh amendment, strike original section 8.

5. On page 27, line 20, insert "election" after "general".

6. On page 31, line 2, strike "The" and insert "~~The~~ Except as provided in this section, the".

7. On page 36, line 22, strike "32-504,".

8. In the title, insert "3-502," at the end of line 2; in line 3, insert "32-460," after the first comma; in line 6 strike "32-504" and insert "32-803"; strike beginning with "to" in line 9 through the semicolon in line 10 and insert "to delete obsolete matter;".

LEGISLATIVE BILL 337. Placed on Select File.

LEGISLATIVE BILL 260. Placed on Select File as amended.
E & R amendment to LB 260:

1. On page 2, line 6, insert an underscored comma after "tornado".

LEGISLATIVE BILL 478. Placed on Select File.

LEGISLATIVE BILL 500. Placed on Select File as amended.
E & R amendments to LB 500:

1. On page 3, line 12, strike the second "a" and insert "A".

2. On page 4, strike beginning with the second comma in line 23 through the first comma in line 24.

3. On page 5, line 13, insert an underscored comma after "agent"; and in line 23 strike "and" and insert "or".

4. On page 6, insert an underscored comma after "agent" in lines 12 and 16 and "instrument" in line 14; and strike line 21 and insert "fiduciary and any".

5. On page 7, line 10, strike ", and" and insert "or"; and strike the second comma in line 11.

LEGISLATIVE BILL 366. Placed on Select File as amended:
E & R amendments to LB 366:

1. On page 10, line 14, strike "~~that~~ to" and insert "that"; and in line 18 strike "preceding".

2. On page 11, line 5, strike "the" and insert "such"; and in line 6 strike "provided herein".

3. On page 13, line 18, strike "as provided herein".

4. On page 17, insert an underscored period at the end of line 9; and strike lines 10 and 11.

5. On page 18, line 3, insert an underscored comma after "earned".

LEGISLATIVE BILL 291. Placed on Select File as amended.
E & R amendment to LB 291:
1. On page 3, line 19, strike the first comma.

LEGISLATIVE BILL 333. Placed on Select File.
LEGISLATIVE BILL 173. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 283 and 324.

Correctly Enrolled

The following bill was correctly enrolled: 368.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 368 and LR 34.

ANNOUNCEMENTS

Mr. Keyes announced an Executive Session of the Revenue Committee, Wednesday, April 6, 1977 at noon in Room 1019.

Mr. George announced an Executive Session of the Urban Affairs Committee on Wednesday, April 6, 1977 at 12:45 p.m. under the North Balcony.

BILL ON FIRST READING

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

LEGISLATIVE BILL 528. By Labedz, 5th District, at request of Governor.

A BILL FOR AN ACT to amend section 49-14,105, Revised Statutes Supplement, 1976, relating to the Nebraska Accountability and Disclosure Act; to eliminate the Governor and Secretary of State from the Nebraska Accountability and Disclosure Commission; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT–Bracket LB 512 and LB 515

Mr. Warner asked unanimous consent to bracket LB 512 and LB 515 on E & R Engrossing until the "A" bills catch up. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 526 Tuesday, April 12, 1977 12:15 p.m.

(Signed) Jerome Warner, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 74. With Emergency.

A BILL FOR AN ACT relating to cities of the primary class; to permit the removal of garbage, refuse, and other solid waste material as prescribed; to provide for an assessment against the property for such removal; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer
Labedz	Lamb	Luedtke	Maresh	Marsh
Marvel	Maxey	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Simon	Stoney
Venditte	Warner			

Voting in the negative, 6:

DeCamp	Dworak	R. Lewis	Merz	Mills
Schmit				

Present and not voting, 1:

Burrows

Excused and not voting, 5:

Kelly	F. Lewis	Murphy	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.

LEGISLATIVE BILL 112.

A BILL FOR AN ACT to amend section 29-901.05, Reissue Revised Statutes of Nebraska, 1943, relating to bail and its incidents; to provide procedures for setting up bail schedules; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Warner		

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 5:

Kelly	F. Lewis	Murphy	Rasmussen	Swigart

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

LEGISLATIVE BILL 157. With Emergency.

A BILL FOR AN ACT to amend section 9-306, Uniform Commercial Code, relating to secured transactions; to include insurance proceeds within the definition of proceeds when collateral is disposed of; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 2:

Brennan R. Lewis

Excused and not voting, 5:

Kelly F. Lewis Murphy 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.

LEGISLATIVE BILL 264.

A BILL FOR AN ACT to amend section 21-2014, Reissue Revised Statutes of Nebraska, 1943, relating to corporations; to provide that a corporation may limit or deny voting rights to certain classes of stock; 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	Boughn	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Dworak	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Mills	Moylan	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Venditte	Warner		

Voting in the negative, 6:

Brennan	Burrows	Fowler	Marvel	Merz
Newell				

Present and not voting, 1:

Fitzgerald

Excused and not voting, 4:

Kelly	Murphy	Rasmussen	Swigart

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

LEGISLATIVE BILL 312. With Emergency.

A BILL FOR AN ACT to amend sections 43-515, 43-901, 43-902, 43-904, 43-905, 43-908, and 68-1008, Reissue Revised Statutes of Nebraska, 1943, and section 43-907, Revised Statutes Supplement, 1976, relating to public welfare; to eliminate issuance of certificates of award; to eliminate requirement for contracts; to clarify and harmonize language; to remove maximum payment for foster care; to provide for management of funds owned by state wards; to provide for notification of actions taken; to repeal the original sections, and also section 68-322.01, 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, 43:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Boughn Fowler

Excused and not voting, 4:

Kelly Murphy 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.

LEGISLATIVE BILL 355. Mr. Duis moved to return LB 355 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 33 ayes, 1 nay, and 15 not voting.

Mr. Duis requested his motion be withdrawn.

A BILL FOR AN ACT to amend section 77-2753, Reissue Revised Statutes of Nebraska, 1943, relating to revenue and taxation; to eliminate an exception to the withholding of taxes from wages 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:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Cope	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Koch	Labedz	Lamb	F. Lewis	Marsh
Marvel	Maxey	Mills	Moylan	Newell
Nichol	Reutzel	Savage	Simon	Stoney
Venditte	Warner			

Voting in the negative, 12:

Barnett	Clark	Cullan	DeCamp	Duis
Keyes	Kremer	R. Lewis	Luedtke	Maresh
Rumery	Schmit			

Present and not voting, 1:

Merz

Excused and not voting, 4:

Kelly	Murphy	Rasmussen	Swigart

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

LEGISLATIVE BILL 365. With Emergency.

A BILL FOR AN ACT to amend section 84-306.01, Reissue Revised Statutes of Nebraska, 1943, relating to reimbursement for expenses; to provide for reimbursement of expenses for members of any state commission, council, agency, or board; to ratify certain acts; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh

Marvel	Maxey	Merz	Mills	Moylan
Newell	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Nichol

Excused and not voting, 4:

Kelly	Murphy	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.

LEGISLATIVE BILL 391.

A BILL FOR AN ACT to amend sections 23-927 and 79-2210, Reissue Revised Statutes of Nebraska, 1943, relating to budgets; to provide that the final adjusted valuation shall be used in setting levies; to include educational service units; to provide duties of the county assessors; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Venditte	Warner

Voting in the negative, 0.

Excused and not voting, 4:

Kelly	Murphy	Rasmussen	Swigart

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

LEGISLATIVE BILL 421.

A BILL FOR AN ACT to amend section 46-612.01, Reissue Revised Statutes of Nebraska, 1943, relating to irrigation; to require control of pesticide chemicals; to clarify provisions; to reduce penalties; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Venditte	Warner

Voting in the negative, 0.

Excused and not voting, 4:

Kelly	Murphy	Rasmussen	Swigart

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

LEGISLATIVE BILL 454. With Emergency.

A BILL FOR AN ACT to amend section 43-206, Revised Statutes Supplement, 1976, relating to juvenile courts; to provide for the issuance of notices in lieu of a summons in juvenile court proceedings as prescribed; to provide procedures; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Warner			

Voting in the negative, 1:

Marvel

Present and not voting, 3:

Fowler F. Lewis Venditte

Excused and not voting, 3:

Murphy 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.

LEGISLATIVE BILL 482.

A BILL FOR AN ACT to amend section 81-804, Reissue Revised Statutes of Nebraska, 1943, relating to independent boards and commissions; to increase the per diem for members of the Game and Parks Commission; and to repeal the original section.

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

Voting in the affirmative, 34:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
F. Lewis	Luedtke	Marsh	Marvel	Merz
Moylan	Newell	Reutzel	Rumery	Savage
Schmit	Simon	Venditte	Warner	

Voting in the negative, 9:

Barnett	Cullan	Dworak	Kelly	Lamb
R. Lewis	Maresh	Mills	Stoney	

Present and not voting, 3:

George	Maxey	Nichol

Excused and not voting, 3:

Murphy	Rasmussen	Swigart

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

LEGISLATIVE BILL 499. With Emergency.

A BILL FOR AN ACT relating to cities of the metropolitan class; to authorize a metropolitan utilities district to agree with other gas distribution companies or municipalities for the sharing of available gas supplies; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Murphy	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.

MR. MARVEL PRESIDING

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Venditte renewed his pending motion found in the Journal on page 1220 to indefinitely postpone.

Mr. Maresh moved to bracket until January 12, 1978.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?"

Mr. Chambers objected.

The Chair ruled the question was called for. The motion to close debate lost with 22 ayes, 11 nays, and 16 not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

The Maresh motion to bracket lost with 10 ayes, 29 nays, 7 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 38

Mr. Barnett asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 38

Article 12

1. On page 222, insert a new section 306 as follows:

"Sec. 306. (1) It shall be unlawful for any person, association, partnership or corporation to conduct fire alarm tests and fire alarm inspections without prior written certification by the State Fire Marshal, as to the qualifications of such persons conducting such tests and inspections.

(2) The State Fire Marshal shall formulate reasonable guidelines to determine qualifications for fire alarm inspectors; and shall administer an examination pursuant to such guidelines prior to certification of applicants.

(3) The State Fire Marshal may charge a fee to cover costs of administering such examinations not to exceed twenty-five dollars.

(4) Unlawful testing or inspection of fire alarms is a Class III misdemeanor.".

2. On page 222, lines 16 and 18, strike "306" and insert "307".

3. Renumber original sections 306 to 346 as sections 307 to 347 respectively.

RESOLUTIONS

LEGISLATIVE RESOLUTION 46.

Introduced by Schmit, 23rd District; DeCamp, 40th District; Burrows, 30th District; Hefner, 19th District; Maresh, 32nd District; Rasmussen, 41st District; Venditte, 7th District; Kahle, 37th District; Lamb, 43rd District; R. Lewis, 38th District.

WHEREAS, the development of alternate fuels to power our mechanized society should be an essential part of a national program to expand our nation's energy resources; and

WHEREAS, the development of such fuels could work to lower our dependency on imports of foreign oil to manufacture fossil fuels; and

WHEREAS, the encouragement of developing fuel sources such as grains and other materials which draw their latent energy from the sun could provide an almost limitless source of fuel and fuel additives as well as stimulating the national economy; and

WHEREAS, any governmental discouragement of the development of such fuels through instruments such as taxation should be eliminated.

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

1. That the Congress of the United States be urged to encourage the development of alternate fuels.

2. That the Congress be requested to provide such encouragement by the waiver of any tax upon development of alternatives to fossil fuels.

3. That a copy of this resolution be directed to each member of the Nebraska Congressional delegation with the wish that it's terms be vigorously expressed to the full membership of the United States Senate and House of Representatives.

Laid over.

LEGISLATIVE RESOLUTION 47.

Introduced by Clark, 47th District; Duis, 39th District; Cullan, 49th District; Nichol, 48th District; Merz, 1st District; Mills, 44th District; R. Lewis, 38th District; DeCamp, 40th District.

WHEREAS, although the State of Nebraska has produced oil and natural gas since 1939, this production has not been great enough to make her self-supporting in energy; and

WHEREAS, the production in Nebraska as well as production in surrounding states, from whom Nebraska imports her supply of oil and natural gas, is on the decline; and

WHEREAS, the only hope for reversing the trend of "sharing the shortage" is to promote development of nationwide expanded exploration, production, conservation and alternate sources of energy; and

WHEREAS, the U.S. Geological Survey estimates that the Federal Outer Continental Shelf may contain the potential for discovery and recovery, under present technology and economics, of up to 181 trillion cubic feet of natural gas and up to 49 billion barrels of crude oil; and

WHEREAS, there are at least three prime Outer Continental Shelf areas located on the eastern seaboard which if developed could supply eastern consumers with their average annual consumption of 4 trillion cubic feet of natural gas for 20 years. This natural gas now comes from Outer Continental Shelf wells in the Gulf of Mexico. Rapid development of the East Coast Outer Continental Shelf gas reserves would release important quantities of natural gas for the states of the Middle West, including Nebraska, where natural gas is currently in serious short supply; and

WHEREAS, activity on the Outer Continental Shelf has been impeded by numerous environmental restrictions imposed on the industry by governmental action and legislation (S. 9 and H.R. 1614) is being considered by Congress of the United States which would further delay the development of these much needed resources; and

WHEREAS, the capability to explore for an produce oil and natural gas in U.S. offshore areas has already been proven by the U.S. oil companies, as shown by the 20,000 wells drilled, to date, in U.S. waters and the worldwide recognition given the offshore expertise, technology, equipment and manpower of the American petroleum industry; and

WHEREAS, this capability has been further proven by the safety record of offshore operations in U.S. waters; the wells of which currently provide 16 per cent of our domestic crude production and 21 per cent of our natural gas production; and

WHEREAS, it is in the interest of all Americans, especially those in producing states, that the exploration and production in our nation's frontier areas of the Outer Continental Shelf be accelerated as rapidly as prudent management will permit.

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

1. That they express their desire that such legislation be seriously considered and defeated by the Congress of the United States and that the current regulations and restrictions be eased so that development of the Outer Continental Shelf resources of oil and gas be expedited for the benefit of the United States and its citizens.

2. That upon adoption of this Resolution, a copy hereof shall be transmitted to the presiding officer of the U.S. Senate the U.S. House of Representatives, and to each member of the Nebraska Congressional Delegation.

Laid over.

UNANIMOUS CONSENT – Print Amendment to LB 228

Mr. Stoney asked unanimous consent to print the following amendments to LB 228 in the Journal. No objections. So ordered.

Amendments to LB 228

1. Page 4, line 8, strike "If" and insert "Except, if";
2. Page 4, line 12, after "trustees" insert ", and at the election held six years after the first election of trustees, three members of the board of trustees shall be elected by the legal property owners resident within such sanitary and improvement district, and two members shall be elected by all of the owners of real estate located in the district pursuant to this section"; and
3. Page 4, line 2, strike the new matter and reinsert the stricken matter.

EXPLANATION OF VOTE

Had I been present I would have voted yes on LB's 74, 112, 157, 264, 312, 355, 365, 391, and 421.

(Signed) Ralph D. Kelly

VISITORS

The President introduced Mr. and Mrs. Wilfred Hefner from Perry, Iowa and Mrs. Elroy Hefner; and 50 seniors, teachers and sponsors from Utica Centennial.

RECESS

At 12:03 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:01 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Rasmussen and Murphy who were excused; and Mr. Schmit who was excused until he arrives.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 353.

Correctly Engrossed

The following bills were correctly engrossed: 86, 498, 511, 513, and 514.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Speaker Luedtke announced Lt. Governor Whelan broke his left elbow.

MR. F. LEWIS PRESIDING

Mr. Cope asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION—Rule Changes

Mr. DeCamp moved the adoption of the Rules Committee Report found in the Journal on pages 1134, 1135, and 1136 and to vote on each separately.

Mr. Simon 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 DeCamp rule change found in the Journal on page 459, as amended, on page 1134 was considered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 22:

Boughn	Carsten	DeCamp	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Koch	Labedz
R. Lewis	Luedtke	Marsh	Merz	Moylan
Newell	Reutzel	Rumery	Savage	Stoney
Swigart	Warner			

Voting in the negative, 21:

Barnett	Bereuter	Brennan	Burrows	Chambers
Clark	Cullan	Duis	Dworak	Fowler
Kahle	Kelly	Keyes	Lamb	Maresh
Marvel	Maxey	Mills	Nichol	Simon
Venditte				

Present and not voting, 2:

Kremer	F. Lewis

Excused and not voting, 4:

Cope	Murphy	Rasmussen	Schmit

The rule change on page 459, as amended, lost with 22 ayes, 21 nays, 2 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

The DeCamp rule change found in the Journal on page 948 and page 1134, to Rule 6, Sec. 12 was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

The DeCamp rule change found in the Journal on page 1135 to Rule 2, new section 12 was considered.

Mr. Newell offered the following amendment to the rule change on page 1135 to Rule 2, section 12:

Amend Rule Change found on page 1135 dealing with Sec. 12 Rule 2 on Line 2 strike "each one hour period of debate" and change that to "2 hours of debate"

The Newell amendment lost with 12 ayes, 21 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. DeCamp requested a record vote on the rule change on page 1135 to Rule 2, new section 12.

Voting in the affirmative, 21:

Bereuter	Boughn	Carsten	Clark	DeCamp
George	Goodrich	Hasebroock	Hefner	Kremer
Labedz	R. Lewis	Luedtke	Marsh	Merz
Moylan	Nichol	Reutzel	Rumery	Swigart
Venditte				

Voting in the negative, 16:

Barnett	Brennan	Burrows	Chambers	Dworak
Fowler	Kahle	Kelly	Koch	Maresh
Marvel	Maxey	Mills	Simon	Stoney
Warner				

Present and not voting, 8:

Cullan	Duis	Fitzgerald	Keyes	Lamb
F. Lewis	Newell	Savage		

Excused and not voting, 4:

Cope	Murphy	Rasmussen	Schmit

The rule change lost with 21 ayes, 16 nays, 8 present and not voting, and 4 excused and not voting.

The Bereuter rule change on page 1025, as amended on page 1135, to Rule 6, section 4(i) was adopted with 32 ayes, 5 nays, 10 present and not voting, and 2 excused and not voting.

The Marsh rule change to Rule 6, sec. 13 found in the Journal on page 984, as amended on page 1135 and 1136 was considered.

Mr. Bereuter offered the following amendment to the rule change:

To amend the Rules Change proposed for Rule 6, Sec. 13 as found on pages 1135-1136 of the Legislative Journal by:

(1) Inserting the phrase "or is not offered," after the word "fails" on line 10.

(2) Inserting the phrase "or the veto of that portion of the bill" after the word "bill" on line 16.

Mr. Bereuter requested the amendment be withdrawn temporarily.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 19 nays, and 20 not voting.

Mr. Bereuter re-offered his amendment to rule 6, sec. 13.

The Bereuter amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Carsten offered the following amendment to the rule change to rule 6, sec. 13:

Amend Rule change p 1135 Rule 6 Sec 13 (2) line 4 after "implications", strike "period", insert "comma" and add and affect on operations.

Mr. Newell 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 Carsten amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Mr. Bereuter asked unanimous consent to bracket the rule change, as amended until Wednesday, April 6, 1977.

Mr. Newell objected.

Mr. Bereuter moved to bracket the rule change as amended until Wednesday, April 6 1977.

The motion prevailed with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

LEGISLATIVE BILL 148. Indefinitely postponed.

(Signed) Larry D. Stoney, Vice Chairman

UNANIMOUS CONSENT–Print Amendment to LB 124

Mr. Fowler asked unanimous consent to print the following amendment to LB 124 in the Journal. No objections. So ordered.

AMENDMENT TO LB 124

1. On page 2, strike beginning with "rendered" in line 6 through the first comma in line 7, and show as stricken; in line 7, strike "personal", and after "obtained" insert "by publication"; in line 8, reinstate the stricken matter; strike the new matter in line 9; and in line 12, strike "in", and insert "~~in~~ whose address appears in the records of".

RESOLUTION

LEGISLATIVE RESOLUTION 48.

Introduced by Merz, 1st District.

WHEREAS, the Nebraska Legislature's Public Works Committee has held a public hearing concerning the proposed O'Neill Irrigation Unit, and;

WHEREAS, serious questions were raised about the accuracy of water availability figures used by the Bureau of Reclamation to design the O'Neill Irrigation Unit, and;

WHEREAS, these questions remain unanswered, and the water availability figures used by the Bureau of Reclamation are also used by the Nebraska Department of Water Resources to authorize a state permit for water withdrawal,

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

1. That Nebraska Senators Carl T. Curtis and Edward Zorinsky, as well as Representatives John Cavanaugh, Virginia Smith and Charles Thone are urged and admonished by the members of the Nebraska Legislature to publicly commit themselves to demanding that the Bureau of Reclamation use current and accurate water availability data to update and revise the O'Neill Irrigation Unit project analysis, including data made available to the Nebraska Legislature in their public hearings and currently available from the United States Geological Survey.

2. That the Legislature urges Congress and President Carter not to allow the project to proceed without resolution of these serious questions concerning mis-allocation of Nebraska's water based on misleading information provided by a Federal bureaucracy.

3. That the Nebraska Legislature publicly commits itself to a similar review of the Department of Water Resources action in this matter, and pledges the diligent enforcement of water laws designed to protect the citizens of Nebraska.

Laid over.

UNANIMOUS CONSENT—Print Amendment to LB 201

Mrs. Marsh asked unanimous consent to print the following amendment to LB 201 in the Journal. No objections. So ordered.

AMENDMENT TO LB 201

1. In the white copy of the amendments page 8, line 15 after "ballots.", insert "No person shall act as agent for more than two voters for any one election.".

MESSAGE FROM THE GOVERNOR

April 4, 1977

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

Dear Mr. President and Senators:

By this message, I am reducing my 1977-78 budget recommendations by $2.4 million.

This will reduce the approximate $473 million recommended for appropriation as per my budget message to you of February 10, 1977 to approximately $470.6 million.

This is possible due to the fact that I have signed into law LB 311 and LB 311A, introduced by our administration, which has the effect of reducing general fund impact by $700,000.

That, in combination with LB 521 and LB 522, which our administration has also introduced, employs excess cash funds at the University of Nebraska with a resultant $1.7 million savings in the general fund.

I am hopeful that you will act favorably on our second recommendation, conserve and not spend the resultant savings, so as to reduce expenditures.

There may be, as I advised you specifically on February 10, 1977, further recommended reductions as more information becomes available as to anticipated revenues.

Please make corrective reductions accordingly in your daily information showing executive budget recommendation as opposed to legislative actions and additional pending spending measures.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

ANNOUNCEMENT

Mr. Marvel announced an executive session of the Executive Board Tuesday, April 5, 1977, at 4:30 p.m. in room 2102.

REFERENCE COMMITTEE REPORT

LB	Committee
528	Misc. Subjects

(Signed) William E. Nichol, Larry D. Stoney, Douglas Bereuter, Jack Mills, Steve Fowler, Roland Luedtke, R. Lewis, and John S. Savage.

NOTICE OF COMMITTEE HEARING
Miscellaneous Subjects

LB 523	Tuesday, April 12, 1977	4:30 p.m.
LB 528	Tuesday, April 12, 1977	4:30 p.m.

(Signed) Don Dworak, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 390A. 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 390, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT—Members Excused

Mr. Savage asked unanimous consent for the Committee on Committees to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 80. E & R amendment found in the Journal on page 1214 for the Fifty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 494. E & R amendment found in the Journal on page 1214 for the Fifty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT–Members Excused

Mr. Bereuter asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. Newell asked unanimous consent to be excused Tuesday, April 5, 1977, until he arrives. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 22. Read and considered.

Mr. Lamb requested his amendment found in the Journal on page 828 be withdrawn.

LR 22 was adopted with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

MOTION–Place LB 202 on General File

Mr. Simon moved to take LB 202 from the Banking, Commerce and Insurance Committee and place on General File.

Motion pending.

EXPLANATION OF VOTE

If I would have been present, I would have voted "Aye" on LR 22.

(Signed) William E. Nichol

VISITORS

The Speaker introduced 8 junior high students and 2 sponsors from Omaha; and Mayor and Mrs. Norman Berenz from Crete.

ADJOURNMENT

At 4:33 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Tuesday, April 5, 1977.

Vincent D. Brown
Clerk of the Legislature

FIFTY-EIGHTH DAY – APRIL 5, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 5, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, make us all instruments of Your Peace. Where there are bitter factions, let us find means to untie them. When there are misunderstandings, let us seek occasions to remedy them. When there is friction, help us to solve it.
>
> In time of trouble, make us understanding. When people are arguing, help us to be a source of mitigation. When people are hurt, lead us to be healed.
>
> Let us be a source of peace and not just seekers. Let us be a cause of peace and not just talkers. Let us be a font of peace and not just watchers.
>
> And help us to turn every location of hatred or fear into a seed bed of peace. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Rasmussen who was excused; Messrs. DeCamp, Kremer, and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Seventh Day was approved.

MESSAGE FROM THE GOVERNOR

April 1, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 22 and 176.

These bills were signed by me on April 1, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 5, 1977, at 8:50 a.m., was the following bill: 368.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 45. Replaced on Select File as amended.
E & R amendments to LB 45:

1. In new section 2, insert "Sec. 2." before "The";
and strike lines 3 and 4 and insert "under subdivision (5) of section 84-205, as provided in sections 24-204 and 24-204.01.".

2. In the title, line 7, insert "to provide for jurisdiction;" after the first semicolon.

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendments to LB 90:

1. On page 2, line 2, insert an underscored comma after "learners' ".

2. On page 8, line 26, strike "appointment" and insert "selection".

3. In the title, line 9, insert "to provide for transition;" after the semicolon.

LEGISLATIVE BILL 90A. Placed on Select File.

Correctly Enrolled

The following bills were correctly enrolled: 74, 112, 157, 264, 312, 355, 365, 391, 421, 454, 482, and 499.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 74, 112, 157, 264, 312, 355, 365, 391, 421, 454, 482, and 499.

UNANIMOUS CONSENT—Members Excused

Messrs. Carsten, Hefner, and Swigart asked unanimous consent to be excused this afternoon. No objections. So ordered.

MOTION—Introduce Bill

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor. (Req. No. 856)

The motion prevailed with 31 ayes, 7 nays, 7 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 529. By Business and Labor Committee: Maresh, 32nd District, Chairman; F. Lewis, 45th District; Fitzgerald, 14th District; Rasmussen, 41st District; Brennan, 9th District.

A BILL FOR AN ACT to amend section 48-120, Revised Statutes Supplement, 1976, relating to workmen's compensation; to provide additional liability for employers as specified; and to repeal the original section.

UNANIMOUS CONSENT—Member Excused

Mr. Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 77.

A BILL FOR AN ACT to amend section 8-157, Revised Statutes Supplement, 1975, relating to financial institutions; to provide what shall constitute an attached auxiliary teller office; 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:

Bereuter	Boughn	Brennan	Clark	Cope
DeCamp	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Kahle	Kelly	Keyes	Koch
Labedz	F. Lewis	Luedtke	Marsh	Merz
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 14:

Barnett	Burrows	Carsten	Cullan	Duis
Fowler	Hefner	Lamb	R. Lewis	Maresh
Marvel	Maxey	Mills	Murphy	

Present and not voting, 1:

Moylan

Excused and not voting, 3:

Chambers	Kremer	Rasmussen

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

LEGISLATIVE BILL 456.

A BILL FOR AN ACT to amend sections 77-2004, 77-2005.01, 77-2018.02, 77-2018.04, and 77-2037, Revised Statutes Supplement, 1976, relating to inheritance tax; to change provisions relating to the rate of inheritance tax to immediate relatives; to define relatives of the decedent; to provide when a petitioner shall be entitled without delay to a determination of no tax due; to change provisions relating to deductions; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Excused and not voting, 3:

Chambers Kremer Rasmussen

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

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Venditte renewed his pending motion found in the Journal on page 1220 to indefinitely postpone.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?"

Mr. Barnett moved for a Call of the House. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to close debate prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Venditte moved for a Call of the House. The motion prevailed with 26 ayes, 7 nays, and 16 not voting.

Mr. Venditte requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 10:

Burrows	Cullan	Duis	Fitzgerald	Kelly
R. Lewis	Mills	Moylan	Savage	Venditte

Voting in the negative, 33:

Barnett	Bereuter	Boughn	Brennan	Carsten
Clark	Cope	DeCamp	Dworak	Fowler
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Labedz	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Murphy	Newell
Nichol	Reutzel	Rumery	Schmit	Simon
Stoney	Swigart	Warner		

Present and not voting, 3:

George	Lamb	F. Lewis

Excused and not voting, 3:

Chambers	Kremer	Rasmussen

The motion to indefinitely postpone lost with 10 ayes, 33 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Venditte offered the following amendment to LB 38:

Article 8

Page 126, Section 162, sub-section 2, line 15 strike Class II and insert Class I.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Venditte amendment lost with 11 ayes, 19 nays, 16 present and not voting, and 3 excused and not voting.

Mrs. Maxey asked unanimous consent to be excused for one hour. No objections. So ordered.

Mr. Barnett renewed his pending amendments found in the Journal on page 1187 to Article 9.

The amendment was adopted with 28 ayes, 1 nay, 16 present and not voting, and 4 excused and not voting.

Messrs. Kelly and Cope asked unanimous consent to be excused for a short time. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments to LB 398

Mr. Newell asked unanimous consent to print the following amendments to LB 398 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 398

1. Insert a new section to read as follows:

"Sec. 2. Unless specifically restricted by a federal law or any other state law, no employee of the state or any political subdivision thereof, as defined in subdivision (2) of section 23-2102, shall be prohibited from participating in political activities, except during office hours or when otherwise engaged in the performance of his or her official duties. No such employee shall engage in any political activity while wearing a uniform required by the state or any political subdivision thereof.".

2. Renumber original section 2 as section

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee to meet at 1:30 p.m., April 5, 1977 for a brief executive session in Room 1003.

RESOLUTION

LEGISLATIVE RESOLUTION 49.

Introduced by Keyes, 3rd District.

WHEREAS, the personal property tax exemption allowed under Section 77-202.25, R.R.S., 1976 is scheduled to be fully implemented in 1977; and

WHEREAS, the personal property tax exemption at the time of its passage was estimated to create a cost to the State of Nebraska of $27 million dollars by 1978; and

WHEREAS, the current cost to the State of Nebraska for the year 1978 is estimated to reach a total of $55 million; and

WHEREAS, the cost to the State of Nebraska by the year 1980 is estimated to reach $80 million; and

WHEREAS, this actual and estimated cost far exceeds the original cost estimates and represents a large financial impact upon the State Treasury; and

WHEREAS, the Legislature has been asked to respond to numerous bills designed to amend the current personal property tax exemption,

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

1. That the Legislature of the State of Nebraska direct the Performance Review and Audit Committee, as created under LB 193 of the Eighty-fifth Legislature, First Session, to cause an interim study to be conducted on the problems arising from the personal property tax exemption.

2. That the Performance Review and Audit Committee specifically study the extent of any abuses of the personal property tax exemption by the applicants thereof; that the Committee make a determination as to which individuals or groups receive the benefits of the legislation and to what extent; and that the Committee examine alternative methods of granting personal property tax relief.

3. That the Committee, upon completion of its study, report its findings to the Legislature, together with any recommendations it develops for legislation or other action.

Referred to the Executive Board.

UNANIMOUS CONSENT – Print in Journal

Mr. Schmit asked unanimous consent to print the following statement on LB 303 in the Journal. No objections. So ordered.

LB 303

Some questions have been raised as to what kind of acquisition of stock this bill is concerned with. LB 303 applies only to tender offers, and offers to purchase or sales of stock privately or personally negotiated or a single purchase from a stockbroker will not be affected by the act. Specifically,

in Section 1 (1), a "take-over bid" is defined in terms of a "tender offer" and whether it is an "acquisition" or "offer to purchase", it still must be a tender offer in order to be a take-over bid. In other words, an offeror must take steps to purchase stock in a manner customarily construed to be a tender offer in order for the act to apply.

(Signed) Loran Schmit

GENERAL FILE

LEGISLATIVE BILL 33. Title read. Considered.

Standing Committee amendment found in the Journal on page 578 for the Twenty-Ninth Day was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The Koch pending amendments found in the Journal on pages 1142-1143 were considered.

The Koch amendment (1) was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Nichol asked unanimous consent to be excused. No objections. So ordered.

The Koch amendment (2) was adopted with 29 ayes, 2 nays, 13 present and not voting, and 5 excused and not voting.

Laid over.

SELECT FILE

LEGISLATIVE BILL 238. E & R amendments found in the Journal on page 1231 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 497. E & R amendment found in the Journal on page 1231 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 506. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 337. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 260. E & R amendment found in the Journal on page 1232 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 478. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 500. E & R amendments found in the Journal on page 1232 for the Fifty-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 291. E & R amendment found in the Journal on page 1233 for the Fifty-Seventh Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 333. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 173. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 61. E & R amendments found in the Journal on page 1231 for the Fifty-Seventh Day were adopted.

Mr. Fowler offered the following amendment:
Add the emergency clause.

Amendment pending. Laid over.

UNANIMOUS CONSENT — Member Excused

Mr. Bereuter asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

SELECT COMMITTEE REPORT
Committee on Committees

Hearing held April 4, 1977

The Committee on Committees desires to report favorably upon the appointment of Wallace C. Peterson to the Nebraska Political Accountability and Disclosures Commission. The Committee suggests the appointment be confirmed by the Legislative Body and suggests a record vote.

Senators Marsh and Burrows appeared in support of Mr. Peterson's appointment. No one appeared in opposition.

Committee Vote: For: (7) Senators Burrows, Cope, Dworak, F. Lewis, Marsh, Moylan, and Savage. Against: None. Pass: (2) Senators Labedz and Mills. Excused: (2) Senators Murphy and Rasmussen. Absent: (2) Senators DeCamp and Koch.

(Signed) John S. Savage, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 109

Mr. Boughn asked unanimous consent to print the following amendments to LB 109 in the Journal. No objections. So ordered.
page 2, line 22, after "powders" add "and toilet paper"
page 3, line 8, after "powders" add "The tax on toilet paper shall be one-fourth of a cent per roll.

RESOLUTION

LEGISLATIVE RESOLUTION 50.

Introduced by Schmit, 23rd District.

WHEREAS, the Nebraska Department of Public Welfare caused to be published a notice of public hearing concerning the Proposed Nebraska Comprehensive Annual Service Plan to be held May 10, 1977; and

WHEREAS, such notice comprised one half of page 16 of the April 1, 1977 morning edition of the Omaha World Herald; and

WHEREAS, such notice enumerated social services programs, dollar amounts available for each and general criteria for eligibility for each program together with information about making application to receive benefits under such programs; and

WHEREAS, the size and content of the publication of notice is far in excess of that used by any other state administrative agency; and

WHEREAS, one possible effect of publishing notice in this fashion could be to encourage persons to enrole in public welfare programs when they would not do so otherwise.

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

1. That the Legislature's Public Health and Welfare Committee examine the April 1, 1977 publication of notice in an effort to determine the propriety and necessity of the lengthy notice.

2. That such inquiry be conducted expeditiously.

3. That the committee make a report of its findings to the Legislature immediately upon completion of its inquiry.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 485. Placed on General File as amended.
Standing Committee amendments to LB 485:

1. Strike original section 1 and insert three new sections as follows:

"Section 1. That section 81-502.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.01. For the purposes of ~~advising~~ assisting the State Fire Marshal in matters pertaining to the performance of his duties, there is hereby established the Nebraska Fire Safety Appeals Board. ~~an advisory committee to the office of the State Fire Marshal~~. Such ~~committee~~ board shall consist of the following members: (1) A representative of the fire insurance industry with experience in fire prevention inspections, (2) an architect registered in this state, (3) a member of a board of education of a public school district, (4) a fire protection engineer, engineer, (5) a member of the inspection division of a paid fire department in this state, (6) an active member of a volunteer fire department in this state, (7) a representative of the Department of Health, (8) a representative of the Nebraska Hospital Association, and (9) a representative of the Department of Public Welfare. The members shall be appointed by the Governor ~~within two months of August 27, 1971~~ and shall serve for a term of four years. Members serving on the advisory committee to the office of the State Fire Marshal on the effective date of this act shall, after the effective date of this act, serve as members of the Nebraska Fire Safety Appeals Board and shall continue serving the terms to which they were appointed.

Sec. 2. That section 81-502.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.02. The ~~committee~~ board shall select from among its members a chairman and establish rules to govern its procedures. Any vacancy occurring in the ~~committee~~ board shall be filled in the manner in which original appointments are made. No person shall receive any compensation for services rendered as a member of the ~~committee~~ board. Each member of the ~~committee~~ board shall be reimbursed for his actual and necessary expenses

on the same basis and subject to the conditions as full-time state employees. The ~~committee~~ board shall meet at such times and at such places as may be established by its chairman, but in no case shall the ~~committee~~ board meet fewer than three times annually. When requested to do so by the State Fire Marshal, it shall be the duty of the ~~committee~~ board to make a study of the specific problems, or questions, or appeals presented to the ~~committee~~ board. No member of the ~~committee~~ board shall sit in hearing upon any question in which he, or any corporation of which he is a shareholder or employee, is a party. Nothing in sections 81-502.01 to 81-502.03 shall be construed as reducing the statutory powers of the State Fire Marshal.

Sec. 3. That section 81-502.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-502.03. In case of disagreement concerning the propriety of any action taken or proposed to be taken by the State Fire Marshal or the application of any statute, rule, or regulation of his office with respect to any establishment or installation, the State Fire Marshal may, and upon application of any party in interest, shall provide for a hearing in ~~his office~~ the county of the establishment or installation which is the subject of the disagreement of which at least ten days' written notice shall be given to the governing body responsible for the establishment involved and to any public official having jurisdiction and upon such hearing before the ~~State Fire Marshal and his advisory committee~~, ~~the State Fire Marshal~~ Nebraska Fire Safety Appeals Board, such board shall make a decision based upon the evidence brought forth in the hearing and issue ~~his~~ its order accordingly. ~~Nothing~~ Prior to ordering any political or governmental subdivision of the State of Nebraska to make any modification in the design or construction of any public building or any modification in the location, installation, or operation of any existing equipment therein, or the replacement of such equipment, the State Fire Marshal, his first assistant, or one of his deputies shall personally appear at a regular meeting of the governing board of such subdivision and shall present a written report from a licensed architect or licensed engineer stating the condition of such building or equipment and the reason why such building should be modified or such equipment

should be modified or replaced, and a copy of such report shall be attached to the order. Nothing in this section shall prevent the State Fire Marshal from ordering necessary repairs, and nothing in sections 81-502.01 to 81-502.03 shall prevent the State Fire Marshal, where actual and immediate danger to life exists, from ordering and requiring the occupants to vacate a building or structure subject to his jurisdiction.".

2. Strike section 2.

3. Insert a new section 4 as follows:

"Sec. 4. That original sections 81-502.01, 81-502.02, and 81-502.03, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

(Signed) Larry D. Stoney, Vice-Chairman

Nebraska Retirement Systems

LEGISLATIVE BILL 328. Placed on General File as amended.
Standing Committee amendments to LB 328:

1. On page 2, line 3 after "Nebraska" insert "except any agency subject to sections 84-1504 to 84-1506 or sections 85-106, 85-195, or 85-320, Revised Statutes Supplement, 1976"; in line 18 strike "or"; in line 18 after "funds" insert "; (d) bank savings accounts or savings and loan associations; (e) trust companies qualified to act as fiduciaries in this state; (f) or with an organization established for the purpose of administering public employee deferred compansation (sic) retirement plans and which have been approved by the United States Internal Revenue Service as nonprofit and tax exempt".

2. On page 3 after line 11 insert a new subsection as follows:

"(8) Nothing contained in this act shall in any way limit, restrict, alter, amend, invalidate, or nullify any deferred compensation plan previously instituted by any county, municipality, or other political subdivision, instrumentality, or agency of the State of Nebraska, and any such plan is hereby authorized and approved.".

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendments to LB 344:

1. On page 6, lines 9 and 18 after "the" insert "accrued".
2. On page 7, line 21 strike "1994" and insert "~~1994~~ 2000".

(Signed) William H. Hasebroock, Chairman

VISITORS

The President introduced 43 tenth graders and teachers from Cedar Rapids High School, Cedar Rapids; 22 senior students and teacher from Rising City; 42 fourth grade students, teachers and parents from Bertha Barber School, Bellevue; 8 Blue Birds and leaders from Sunset Hills, Omaha; Mr. Ron Fellman from Omaha; 18 senior students, teacher and sponsor from Nehawka High School, Nehawka; 3 members from Dist. 95, Elmwood and 2 members from Syracuse.

RECESS

At 11:51 a.m., on a motion by Mr. F. Lewis, the Legislature recesses until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., Speaker Luedkte presiding.

ROLL CALL

The roll was called and all members were present except Messrs. DeCamp, Carsten, Hefner, Swigart, and Rasmussen who were excused; and Messrs. Kremer, Duis, Chambers, Schmit, Mrs. Maxey, and the Appropriations Committee who were excused until they arrive.

ATTORNEY GENERAL'S OPINION

Opinion No. 58
April 4, 1977

Dear Senator Kahle:

You have asked whether there are any statutes which would prevent the Legislature by motion or resolution from authorizing the Game and Parks Commission to acquire title to an abandoned railroad right-of-way. This legislative action would be in lieu of enacting LB 527. We have concluded that there are no statutes which prohibit the Legislature from approving this transaction by motion or resolution. You should, however, consider the following discussion.

The Game and Parks Commission, under section 81-805, R.S. Supp., 1976, presently has the general authority to acquire real estate with the consent of the Governor and when funds are available for that purpose. However, section 74-424, R.R.S. 1943, provides:

> "No agency of this state shall purchase, lease, or acquire real estate from any railroad company or corporation owning or operating a railroad over a right-of-way outside of incorporated

cities and villages which has been permitted to be abandoned by a federal agency, without prior approval by the Legislature of such purchase, lease, or acquisition." (Emphasis added.)

Although section 1 of LB 527 purports to authorize and direct the commission to acquire or attempt to acquire the right-of-way, approval is all that is required by the Legislature under section 74-424. Since section 74-424 does not specify how the approval may be given, we believe that there is nothing to preclude legislative approval by motion or resolution.

Neither legislative approval by motion or resolution nor the enactment of LB 527 would relieve the commission of the requirements of section 81-805 as noted above.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Assistant Attorney General

SCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

MESSAGE FROM THE GOVERNOR

April 4, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 111, 126, 230, 230A, 245, 311, 311A, 317, 362, 363, 401, 462, 473, 474, and 480.

These bills were signed by me on April 2, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT–Member Excused

Mr. Mills asked unanimous consent to be excused at 2:15 p.m. until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 425. Mr. Schmit asked unanimous consent to bracket until April 11, 1977. No objections. So ordered.

LEGISLATIVE BILL 228. Mr. Stoney renewed his pending amendment found in the Journal on page 1247.

The amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 91. Mr. Goodrich asked unanimous consent to bracket until April 12, 1977. No objections. So ordered.

LEGISLATIVE BILL 110. Mr. Schmit asked unanimous consent to bracket until April 11, 1977. No objections. So ordered.

LEGISLATIVE BILL 430. E & R amendment found in the Journal on page 1213 for the Fifty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 430 to Select File

Mr. Lamb moved to return LB 430 to Select File for the specific amendment found in the Journal on page 1217.

The motion prevailed with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 430. The Lamb specific amendment found in the Journal on page 1217 was adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302. The Murphy motion to indefinitely postpone pending in the Journal on page 1225 was withdrawn.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 302A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 109. Mr. Reutzel asked unanimous consent to bracket until April 11, 1977. No objections. So ordered.

LEGISLATIVE BILL 109A. Mr. Reutzel asked unanimous consent to bracket until April 11, 1977. No objections. So ordered.

Mr. Boughn requested to withdraw his amendment to LB 109 found in this day's Journal on page 1266.

Mr. Brennan asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 124. Mr. Fowler renewed his pending amendment found in the Journal on page 1251.

The amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 366. E & R amendments found in the Journal on page 1232 for the Fifty-Seventh Day were adopted.

Mr. F. Lewis moved to indefinitely postpone.

Motion pending.

Mr. F. Lewis asked unanimous consent to bracket until April 14, 1977.

Mr. Murphy objected.

Mr. F. Lewis moved to bracket until April 14, 1977.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. F. Lewis requested a roll call vote on bracketing LB 366 until April 14, 1977.

Voting in the affirmative, 22:

Barnett	Boughn	Fitzgerald	Goodrich	Hasebroock
Kahle	Koch	Kremer	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Merz	Moylan	Newell	Reutzel	Rumery
Savage	Simon			

Voting in the negative, 12:

Clark	Cope	Dworak	Fowler	Kelly
Keyes	Mills	Murphy	Nichol	Stoney
Venditte	Warner			

Present and not voting, 4:

Burrows	Cullan	George	Labedz

Excused and not voting, 11:

Bereuter	Brennan	Carsten	Chambers	DeCamp
Duis	Hefner	Maxey	Rasmussen	Schmit
Swigart				

The motion lost with 22 ayes, 12 nays, 4 present and not voting, and 11 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Laid over.

UNANIMOUS CONSENT—Members Excused

Messrs. Hasebroock and Savage asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 201. E & R amendments found in the Journal on page 1231 for the Fifty-Seventh Day were adopted.

Mr. Maresh offered the following amendment:

Amend LB 201 by striking the Maresh Amendment adopted on March 31st as found on page 1206 in the Legislative Journal.

The Maresh amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Mrs. Marsh renewed her pending amendment found in the Journal on page 1252.

The amendment was adopted with 26 ayes, 3 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 47. Read and considered.

MR. BARNETT PRESIDING

LR 47 was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

MOTION—Request Governor to Return LB 419

Mr. Mills moved to direct the Clerk to request the Governor to return LB 419 to the Legislature for further consideration.

The motion prevailed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

MOTION—Return LB 201 to Select File

Mr. Stoney moved to return LB 201 to Select File for the following specific amendments:

AMENDMENTS TO LB 201

1. Insert a new section as follows:

"Sec. 3. That section 14-1003, Revised Statutes Supplement, 1976, be amended to read as follows:

14-1003. In each metropolitan water district service area there shall be a board of directors consisting of ~~six~~ seven members, two of whom shall be chosen at large by the electors within said district at the time of the primary and general state election held in the even-numbered years, except that at the primary and general election held in 1978 and every six years thereafter three members, one of whom shall be known as the outside member, shall be elected at large by the electors within said district. The outside member shall be a registered voter residing within the district but outside the corporate limits of the city of the

metropolitan class for which the district was created. The election commissioner shall accept the application for nomination for the outside member in the same manner as those filing for the other six members except that the names of those filing for nomination as the outside member shall be placed upon the ballot under the title Outside Member, Vote for One. Nomination and election of all directors shall be by nonpartisan ballot. Accompanying the application for nomination shall be a receipt for twenty-five dollars from the county treasurer of the county in which the candidate resides. Qualified electors within the boundaries of the district shall be qualified electors of such district and shall be eligible for the office of director subject to the special qualification of residence for the outside member. Members of the board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election and until their successors shall be elected and qualified. ~~in the same method and after the same manner, as nearly as may be, as were formerly by law provided for the nomination and election of judges of the district court. Members of said board shall hold office for a period of six years from the first Tuesday after the first Monday in January following their election and until their successors shall be elected and qualified. Within fifteen days after January 1, 1977, the board shall be increased to seven members by the appointment by the Governor of an additional member to serve until January 1, 1979. Such additional member, to be known as the outside member, shall be a registered voter residing within the district but outside the corporate limits of the city of the metropolitan class for which the district was created. His successor shall be nominated and elected in 1978 in the same manner and for the same term as other members of the board subject to the special qualification of residence. This provision for enlargement of the board shall not be construed as creating a vacancy for purposes of section 14-1005.~~ It shall be the duty of the election commissioner of the county in which the metropolitan city is located to refuse to accept the filing, by petition, of any candidate for a member of said board of directors before a primary election and to so refuse after a primary election, unless there be a vacancy on the ballot as defined by, and all other conditions of, section 32-537, are met and complied with by said petition candidate.".

2. On page 36, line 21, insert "14-1003," after "sections".
3. Renumber subsequent sections accordingly.

The motion prevailed with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 201. The Stoney specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Advanced to E & R for Engrossment.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LB 527 Thursday, April 14, 1977 12:30 p.m.

(Signed) Jerry Koch, Chairman

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 209. Placed on General File as amended.
Standing Committee amendments to LB 209:

1. On page 2, line 8, insert "sickness and" after "of", and strike ", health,"; and strike beginning with "This" in line 9 through the period in line 13.
2. On page 3, line 3, strike the period and insert "; or"; and insert a new subdivision (5) as follows:
"(5) Such other courses as the Director of Insurance may approve.".
3. On page 3, strike section 4, and insert three new sections as follows:
"Sec. 4. All agents licensed to sell life insurance and sickness and accident insurance, and agents of hospital service corporations licensed under section 21-1513, Reissue Revised Statutes of Nebraska, 1943, on or after the effective date of this act, shall have five years to comply with the education requirements contained herein.
Sec. 5. No such requirements shall be required of:
(1) Any agent who is a current holder of a valid outstanding resident agent's license and has held an agent's license since January 1, 1972;

(2) Any ticket-selling agent of a common carrier who acts thereunder only with reference to the issuance of accident insurance, or insurance on personal effects carried as baggage, in connection with the transportation provided by such common carrier, or applicants selling limited travel accident insurance in transportation terminals;

(3) Home office or branch office employees of insurers, or service representatives of insurers or of general agents who work with or through resident agents in the solicitation, negotiation or effectuation of insurance, and who are compensated by salary only;

(4) Any persons involved in insurance solicitation solely through enrollment of individuals under a group insurance policy;

(5) Any applicant who solicits, negotiates or procures credit life, credit accident and health or other tangible personal property insurance other than automobile insurance coverages in connection with a loan or a retail time sales transaction; or

(6) Any applicant whose application complies with the requirements of section 44-333.04 or 44-333.05, Reissue Revised Statutes of Nebraska, 1943.

Sec. 6. Any agent previously licensed to sell life insurance and sickness and accident insurance, under the laws of the State of Nebraska, whose license has expired and is not in effect on the effective date of this act, shall comply with the educational requirements provided by this act.".

4. Renumber original sections 5 and 6 as sections 7 and 8, respectively.

LEGISLATIVE BILL 263. Placed on General File as amended.
Standing Committee amendments to LB 263:

1. On page 5, line 10, strike the underscored period, and reinstate the stricken matter; and in line 11, reinstate the stricken matter.

2. On page 7, line 8, strike the new matter; and reinstate the stricken matter in lines 8 to 12.

3. On page 18, reinstate the stricken matter in lines 2 to 4, and after the reinstated "amended", insert "or under section 8-1109"; reinstate the stricken matter in lines 5 and 6; in line 7, reinstate "(c)" and strike "(a)"; in line 21, strike "; and" and reinstate the stricken period; and reinstate the stricken matter in lines 22 to 27.

4. On page 19, reinstate the stricken matter in lines 1 to 22; and strike line 23.

5. On page 20, strike the new matter in line 12.
6. On page 22, line 6, strike "an" and reinstate the stricken matter.
7. On page 23, line 2, strike the new matter, and reinstate "or"; in line 3, strike "qualification"; and in line 5, after "Any", insert "such".
8. On page 24, reinstate the stricken matter in lines 1 to 8; and strike lines 26 and 27.
9. On page 25, strike lines 1 and 2; in line 3, strike "(9)" and insert "(8)"; strike lines 7 to 23; in line 24, strike "(12) The" and insert "(9) All or substantially all the"; in line 25, strike "is" and insert "has been found to be", and after "unlawful" insert "by a final order of a court or administrative agency of competent jurisdiction".
10. On page 26, strike lines 1 to 5, and in line 12, strike the underscored comma, and reinstate "or"; and in line 13, reinstate "8-1109.01".
11. On page 32, strike beginning with "and" in line 7 through the comma in line 8.

LEGISLATIVE BILL 338. Placed on General File as amended.
Standing Committee amendments to LB 338:

1. Strike sections 1 to 6 and insert:

"Section 1. As used in this act, unless the context otherwise requires:

(1) Trust company shall mean any trust company which is incorporated under the laws of this state, and any national banking association having its principal office in this state and authorized to conduct a trust company business as defined in sections 8-201 to 8-226, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto; and

(2) Fiduciary capacity shall mean a capacity resulting from a bank undertaking to act alone or jointly with others primarily for the benefit of another in all matters connected with its undertaking and includes the capacities of trustee, including trustee of a common trust fund, executor, administrator, personal representative, registrar or transfer agent with respect to stocks, bonds, or other evidences of indebtedness of any corporation, association, municipality, state or public authority, guardian of estates, conservator, receiver, escrow agent, agent for the investment of money, attorney-in-fact, and any other similar capacity.

Sec. 2. (1) Any trust company which has been duly authorized to commence the business for which it is organized and which has made the deposit of cash or securities

required by sections 8-209 and 8-210, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, may file an application in the county court of the county in which its principal office is located requesting that it be substituted, except as may be expressly excluded in such application, in every fiduciary capacity for each of its affiliated banks specified in the application, and each such specified affiliated bank shall join in such application. Such application may be made ex parte and need not list the fiduciary capacities in which substitution is made. For purposes of this section, affiliated bank with respect to a trust company means any bank incorporated under the laws of this state and any national bank association having its principal office in this state more than fifty per cent of the voting stock of which is owned directly or indirectly by the same bank holding company as defined in the United States Bank Holding Company Act, as amended, that owns directly or indirectly more than fifty per cent of the voting stock of such trust company. The county court may require such notice as it deems necessary.

(2) When the county court finds that such trust company has been duly authorized to commence the business for which it is organized and that it has made a deposit of cash or securities in accordance with sections 8-209 and 8-210, Reissue Revised Statutes of Nebraska, 1943, the county court may enter an order substituting such trust company in every fiduciary capacity for each of its specified affiliated banks, except as may be otherwise specified in the application.

(3) Upon entry of such order, such trust company shall, without further act, be substituted in every such fiduciary capacity, and such application may be evidenced by filing a copy of the order with the clerk of any county court in this state.

Sec. 3. Each designation in a will or other instrument heretofore or hereafter executed in which a bank is designated as fiduciary shall be deemed a designation of the trust company substituted for such bank pursuant to this act, except where such will or other instrument is executed after such substitution. Any grant in any such will or other instrument of any discretionary power shall be deemed conferred upon the trust company deemed designated as the fiduciary pursuant to this section.

Sec. 4. A bank shall account jointly with the trust company which has been substituted as fiduciary for such bank pursuant to this act for the accounting period during which the trust company is initially so substituted.

Upon substitution pursuant to this act, the bank shall deliver to the trust company all assets held by the bank as fiduciary, except assets held for accounts with respect to which there has been no substitution pursuant to this act, and upon such substitution all such assets shall become the property of the trust company without the necessity of any instrument or transfer or conveyance.".

LEGISLATIVE BILL 384. Placed on General File.
LEGISLATIVE BILL 517. Placed on General File.
LEGISLATIVE BILL 524. Placed on General File.
LEGISLATIVE BILL 414. Indefinitely postponed.

(Signed) John DeCamp, Chairman

MESSAGE FROM THE GOVERNOR

April 5, 1977

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

Dear Mr. President and Senators:

This communication is in regard to two of my appointments to the Special Education Appeals Board, Mr. Robert Snow and Mrs. Shirley Stark.

As you know, the Committee on Committees voted to recommend the rejection of these two appointments because of an alleged conflict of interest created by the fact that Mrs. Stark and Mr. Snow also sit on the Special Education Advisory Committee appointed by the Commissioner of Education. I simply do not believe that any sound reason exists for this allegation of a conflict of interest.

The Advisory Committee to the Department of Education and the Special Education Appeals Board are two separate groups which have distinct functions and different decision-making authority. In fact, service on both of these boards is an asset rather than a liability since a complete understanding of the total special education system is of great advantage in making the individual program decisions which is the function of the Special Education Appeals Board.

Yesterday, the Special Education Advisory Committee, appointed by the Commissioner of Education, voted unanimously in support of this view and recommended that the Legislature confirm the appointment of Mrs. Stark and Mr. Snow.

In any event, my office has been in contact with both Mrs. Stark and Mr. Snow regarding the recent developments in the Legislature. Mr. Snow,

despite his belief that no conflict of interest exists and that service on the Advisory Committee would be beneficial to his service on the Appeals Board, has, in a letter to me dated April 4, 1977, resigned from the Advisory Committee so that nothing would impede his confirmation by your body to serve on the Appeals Board. I have enclosed a copy of his letter to me.

Mrs. Stark, on the other hand, feels very strongly that her service on both the Advisory Committee and the Appeals Board is highly proper and beneficial, and, therefore, feels that resignation from the Advisory Committee would be inappropriate. She strongly requests that the Legislature confirm her appointment to the Appeals Board.

I would request that your honorable body expeditiously confirm my appointment of these two highly qualified individuals to the Special Education Appeals Board so that this state's special education system can benefit from their experience and talent.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah2
Enclosure
cc: Senator John Savage

3430 Washington Street
Lincoln, Nebraska
April 4, 1977

Honorable J. James Exon
Governor of Nebraska
Capitol Building
Lincoln, Nebraska

Dear Governor Exon:

While I am confused over the issue of a conflict of interest between my volunteer commitment to the Special Education Advisory Committee and the Special Education Appeals Board, this letter is to inform you that I have personally resolved this issue by tendering my resignation on the Advisory Committee.

My resignation is effective as of the conclusion of the April 4, 1977 meeting of the Advisory Committee. My letter of resignation as both chairman and a member of this group was submitted to Commissioner Ann Campbell on April 4, 1977.

I still strongly believe that a conflict does not exist. In fact, I feel that my experience as a member of the Advisory Committee would be beneficial in serving in my parent capacity on the Appeals Board. I know from experience that parents of handicapped children, such as myself, are

often unfamiliar with the problems and concerns in other handicapped areas. This Advisory Committee has helped me broaden my knowledge in this area.

While I am sure there are other Nebraska parents who are equally as qualified to serve on this Board, it does concern me, as a parent of a handicapped child, that as Governor you cannot select those citizens who in your opinion are the most qualified to carry out the responsibilities of this or any other Board.

Although I hope to resolve this issue by resigning from the Advisory Committee, I would certainly hope that present and future members of the State Advisory Committee would be considered for a position on the Appeals Board. I do feel the parents on this committee have been given an opportunity to see the whole spectrum of special education.

My decision to resign from the Special Education Advisory Committee was a difficult one to make. However, I believe that I can best serve our citizens and more importantly handicapped children by serving on the Special Education Appeals Board.

With my resignation, I sincerely hope that my appointment to the Appeals Board will be upheld and that we can get about the business of carrying out the intent of that Board.

Thank you for the confidence you have shown in my (sic) by appointing me to this Board. I will do my utmost to carry out the responsibilities of that Board once my appointment is confirmed.

Sincerely,

(Signed) Bob Snow

UNANIMOUS CONSENT—Print Amendments to LB 169

Mr. Stoney asked unanimous consent to print the following amendments to LB 169 in the Journal. No objections. So ordered.

PROPOSED AMENDMENT TO LB 169

1. On page 2, line 8, change "and" to "or" and insert after "rights" the following: "pursuant to sub-section (4)".
2. Between lines 18-19 on page 3, add the following new sub-section:

" (4) Whenever termination of parental rights is placed in issue by the pleadings or evidence, the court shall forthwith appoint an attorney as guardian ad litem to protect the interests of any minor children. Such guardian ad litem shall forthwith personally investigate the facts and circumstances on all matters pertinent to the best interests and welfare of the children. If it appears to the guardian ad litem that the best interests and welfare of the children may require the termination of the parental rights of one or both parents, he shall apply to the court in writing or orally on the record for such termination. The court may then terminate the parental rights of one or both parents after

notice and hearing. At such hearing the guardian ad litem shall present evidence in support of the application to terminate and take all action necessary to protect the interests of the minor children. The court shall fix the fee and expenses of the guardian ad litem and tax the same as costs, but may order the county to pay on finding the responsible party indigent and unable to pay.

RESOLUTION

LEGISLATIVE RESOLUTION 51.

Introduced by Warner, 25th District; R. Lewis, 38th District; Brennan, 9th District.

WHEREAS, medical care costs have been a concern for the citizens of the State of Nebraska and particularly the senior citizens; and

WHEREAS, the State of Nebraska spends a large amount of tax money for health care for the State of Nebraska; and

WHEREAS, health care costs have risen more sharply than any other major area of expenditure in the budgets of the citizens of Nebraska; and

WHEREAS, the State of Nebraska furnishes a large percentage of its tax funds to the University of Nebraska Medical Center for staff salaries, medical equipment, and overhead expenses of clinicians at the Medical Center; and

WHEREAS, recent studies released from the department of Public Welfare, the Federal Medicare and Medicaide expenditures, and from private health care carriers, show that physicians working full time for the State of Nebraska are obtaining excessive professional fees for services outside of their regular state salary.

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

1. That the following items be studied by the Public Health and Welfare Committee of the Legislature in relation to medical service and health care expenses:

(a) Professional fee income by full-time state employees in the State of Nebraska and their impact on budgetary considerations by the Legislature;

(b) Utilization and payment for state personnel, state equipment, state employees, and state facilities for personal professional fee income without proper payment for their utilization by the state;

(c) Determination of any conflict of interest and possible inappropriate charges and expenditures resulting from utilization of state facilities, state equipment, state employees, and state personnel for personal gain; and

(d) Legislation to correct any current deficiencies in reporting professional income, monies derived from utilization of state equipment, and use of state employees and state personnel.

2. That at the conclusion of this study the Public Health and Welfare committee make a report of its findings to the next regular session of the Legislature.

Referred to the Executive Board.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 483. Title read. Considered.

Mr. Duis offered the following amendments:

AMENDMENTS TO LB 483

1. Strike section 1 and insert two new sections as follows:

"Section 1. Upon formation by city ordinance of sewerage, drainage, and water service districts as described by section 16-667, the owners of the record title representing more than fifty per cent of the front footage of the property abutting upon any street, avenue, or alley, or part thereof, which is within such a proposed district, may, by petition, stop formation of such a district. Such written protest shall be submitted to the city council or clerk within twenty calendar days of publication of notice concerning said ordinance in a newspaper of general circulation in the city. Publication of such notice shall follow within ten calendar days of passage of such an ordinance.

Section 2. Upon formation of a district as provided in section 1 of this act, the mayor and council may order sewer or water mains to be laid in such district, and the costs to the extent of the special benefit, assessed to the property owners in such district. If, after ten days notice by personal service or publication in a newspaper of general circulation, a property owner fails to make such connections and comply with such regulations as the council may order, the council may order such connections be made, and assess the cost thereof against the property so benefited. The cost of sewer or water mains in excess of the amounts so assessed or assessable under this section shall be paid out of the sewer fund or water fund, or, if money in such fund is insufficient, out of the general fund of the city.".

2. On page 5, line 9, after "and", insert "also".

3. Renumber original sections 2 to 4 as sections 3 to 5 respectively.

Mr. George offered the following amendment to the Duis amendment:

To amend Sec. 2, line 25

Strike shall, insert may

The amendment was adopted with 21 ayes, 1 nay, 17 present and not voting, and 10 excused and not voting.

The Duis amendment, as amended, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Duis offered the following amendment:

AMENDMENT TO LB 483

1. On page 3, strike the new matter in line 13;
2. and strike beginning with "There" in line 27 through
3. the period on page 4, line 6.

SPEAKER LUEDTKE PRESIDING

Mr. Duis moved for a Call of the House. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Duis requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Bereuter	Boughn	Burrows	Clark	Duis
Dworak	Goodrich	Kahle	Kelly	Kremer
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Mills	Murphy	Schmit	Stoney	Warner

Voting in the negative, 13:

Barnett	Cope	Fowler	George	Keyes
Koch	Labedz	Marvel	Maxey	Moylan
Newell	Rumery	Simon		

Present and not voting, 6:

Cullan	Fitzgerald	F. Lewis	Merz	Nichol
Reutzel				

Excused and not voting, 10:

Brennan	Carsten	Chambers	DeCamp	Hasebroock
Hefner	Rasmussen	Savage	Swigart	Venditte

The Duis amendment lost with 20 ayes, 13 nays, 6 present and not voting, and 10 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Nichol offered the following amendments:

1. Insert a new section 2 as follows:
"Sec. 2. That section 16-669, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:
16-669. The assessment of special taxes for sewer mains or water mains so provided for and constructed shall be levied at one time and shall become

delinquent as follows:

(1) The mayor and city council shall, at the time of levying such special tax, divide the amount of tax owed by each property owner into ten equal installments;

(2) The first installment shall become delinquent in fifty days from the date of such levy; and

(3) Each remaining installment shall be due annually until such tax is paid. ~~One fifth of the total amount shall become delinquent in fifty days; one fifth in one year; one fifth in two years; one fifth in three years; and one fifth in four years, respectively, after the date of such levy.~~ Each of said installments, except the first, shall draw interest from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of nine per cent per annum shall be paid thereon, until the same is collected and paid. Such special taxes shall be collected and enforced as in cases of other special taxes and shall be a lien on said real estate from and after the date of the levy thereof. Should there be three or more of said installments delinquent and unpaid on the same property the mayor and city council may by resolution declare all future installments on such delinquent property to be due on a future fixed date. The resolution shall set forth the description of the property and the names of its record title owners and shall provide that all future installments shall become delinquent upon the date fixed. A copy of such resolution shall be published one time each week for not less than twenty days in a legal newspaper of general circulation published in the city and after the fixed date such future installments shall be deemed to be delinquent and the city may proceed to enforce and collect the total amount due and all future installments.".

2. On page 5, line 8, strike "section" and insert "sections 16-669 and".

3. Renumber original sections 2 to 4 as sections 3 to 5, respectively.

The Nichol amendment was adopted with 25 ayes, 2 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Bereuter moved to bracket LB 483 until April 14.

The motion lost with 22 ayes, 11 nays, 5 present and not voting, and 11 excused and not voting.

Failed to advance to E & R for Review with 13 ayes, 16 nays, 9 present and not voting, and 11 excused and not voting.

COMMUNICATION ON LB 419

April 5, 1977

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol
Lincoln, NE 68509

Dear Governor Exon:

The Legislature has directed that I respectfully request of the return of LB 419 to the Legislature for further consideration.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

cn

April 5, 1977

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

Dear Mr. Brown:

Pursuant to your request of today's date, I am returning, on behalf of Governor Exon, LB 419 to the Legislature for further consideration.

Yours truly,

(Signed) William R. Hoppner
Administrative Assistant

WRH:ah
Enclosure

April 5, 1977

The Honorable Roland Luedtke
Speaker, Nebraska Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Mr. Speaker:

I am transmitting herewith to the Legislature LB 419, 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

sd
Enclosure

MOTION–Reconsider Action on LB 419

Mr. Mills moved to reconsider action on final passage of LB 419.

The motion prevailed with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

Mr. Mills asked unanimous consent to bracket LB 419 on Final Reading. No objections. So ordered.

ANNOUNCEMENT

Mr. R. Lewis announced a meeting tomorrow, April 6, 1977 at 8:00 a.m. in Room 2102 of members of the Executive Board and the Appropriations Committee to discuss outline and progress of the State Energy Plan.

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 8:55 a.m., Wednesday, April 6, 1977.

UNANIMOUS CONSENT–Member Excused

Mr. Nichol asked unanimous consent to be excused Wednesday afternoon, April 6, 1977.No objections. So ordered.

VISITORS

The Speaker introduced 16 fifth grade students and sponsors from St. Edwards Public School, St. Edwards; and Mr. & Mrs. Glen Botch from Leigh.

ADJOURNMENT

At 4:36 p.m., on a motion by Mr. Barnett, the Legislature adjourned until Wednesday, April 6, 1977, at 9:00 a.m.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 6, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, the Christian Community has embarked upon the season of Lent which is a time of penance for past sins, self denial to bring one's desires under control and contemplation in order to reestablish perspective.
>
> Help us to observe this season and merit from our practice of penance.
>
> Give us a healthy sense of guilt and a knowledge that You have removed the sin and the guilt.
>
> Bring our good, but sometimes unruly desires, under the control of our intellect.
>
> Let us understand more clearly that You are the Beginning and the End. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Rasmussen who was excused; Mr. Burrows who was excused until he arrives; Mr. F. Lewis who was absent until 9:10 a.m.; and Messrs. Newell and Warner who were absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Eighth Day was approved.

MESSAGE FROM THE GOVERNOR

March 29, 1977

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

Dear Mr. President and Senators:

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

William M. Whitmer, 809 Carlos Drive, Lincoln 68505 - succeeds Paul C. Schorr III, resigned - term expiring September 13, 1981

I respectfully submit this appointment for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: William M. Whitmer
Committee on Committees
State Electrical Board

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 5, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Clark, Robert L. - Lincoln, Lancaster Board of County Commissioners
Tews, David D. - Lincoln, Pegasus of Omaha, Inc.

PRESENTED TO THE GOVERNOR

Presented to the Governor April 6, 1977, at 8:45 a.m. were the following bills: 74, 112, 157, 264, 312, 355, 365, 391, 421, 454, 482, and 499.

(Signed) Janet Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 80, 494, and 494A.

Correctly Enrolled

The following bills were correctly enrolled: 77 and 456.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 208.

A BILL FOR AN ACT to amend section 25-202, Reissue Revised Statutes of Nebraska, 1943, relating to the time for commencement of actions; to provide that property of public power or public irrigation districts are not subject to adverse possession; 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	Boughn	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 0.

Present and not voting, 2:

Brennan Duis

Absent and not voting, 3:

F. Lewis Newell Warner

Excused and not voting, 2:

Burrows Rasmussen

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

LEGISLATIVE BILL 274. Mr. Kelly asked unanimous consent to bracket LB 274. No objections. So ordered.

LEGISLATIVE BILL 305.

A BILL FOR AN ACT to amend sections 69-1302, 69-1303, 69-1304, 69-1310, 69-1311, 69-1312, 69-1317, and 69-1324, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Disposition of Unclaimed Property Act; to remove dollar limitations; to provide that property accompany reports; to change the contents of required notice; to provide for the deposit of funds in the Permanent School Fund; to restrict the availability of records; to regulate finders' fees; to increase 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, 46:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Cullan

Excused and not voting, 2:

Burrows Rasmussen

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

LEGISLATIVE BILL 305A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 305, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Cullan

Excused and not voting, 2:

Burrows Rasmussen

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

LEGISLATIVE BILL 345.

A BILL FOR AN ACT to amend section 35-201, Revised Statutes Supplement, 1976, relating to firemen's pensions; 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, 47:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Excused and not voting, 2:

Burrows Rasmussen

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

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 467.

A BILL FOR AN ACT to amend sections 24-703 and 24-710, Reissue Revised Statutes of Nebraska, 1943, relating to the retirement system for judges; to correct internal references; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

George

Excused and not voting, 2:

Burrows Rasmussen

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

LEGISLATIVE BILL 484.

A BILL FOR AN ACT to amend sections 2-202 and 2-203.06, Reissue Revised Statutes of Nebraska, 1943, relating to county agricultural societies; to provide additional uses of tax money in certain counties; to authorize the use of an additional tax levy for capital construction; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh

Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 2:

Burrows Rasmussen

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

UNANIMOUS CONSENT—Member Excused

Mrs. Maxey asked unanimous consent to be excused for a short time. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB 77, LB 456, LR 22 and LR 47.

EXPLANATIONS OF VOTES

Had I been present I would have voted yes on LB 208 and LB 274 on Final Reading.

(Signed) Jerome Warner, 25th District

Had I been present I would have voted Yes for L.B. 484.

(Signed) Patrick Venditte

ANNOUNCEMENT

The Innocents Society of the University of Nebraska-Lincoln is pleased to announce to the members of the Eighty-fifth Nebraska Legislature that their colleague, Senator Douglas K. Bereuter, has been selected as an honorary member of the Society. Innocents, as a senior honor society founded in 1903, seeks to recognize those individuals who have served the University, the State of Nebraska and the Nation in an exemplary manner. Senator Bereuter has been selected for his superb performance as a

legislator and for his many outstanding contributions to the great State of Nebraska.

GENERAL FILE

LEGISLATIVE BILL 33. Considered.

PRESIDENT WHELAN PRESIDING

Laid over.

UNANIMOUS CONSENT–Print Amendments to LB 257

Mr. Dworak asked unanimous consent to print the following amendments to LB 257 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 257

1. Insert new sections as follows:

"Sec. 13. In order to improve the effectiveness of government without curtailing necessary services, the programs and operations of the State Department of Education, provided for in Article VII, section 2, of the Constitution of Nebraska, shall be carefully examined, analyzed, and evaluated to insure competence, economy, and accountability on or before July 1, 1979.

Sec. 14. The Executive Board of the Legislative Council shall assign to an appropriate standing committee of the Legislature the duty to examine the State Department of Education pursuant to section 13 of this act. Such committee shall undertake a complete and systematic review of the department as part of its interim assignment for the next two years.

Sec. 15. The standing committee in reviewing the functions performed and services provided by the State Department of Education shall:

(1) Gather data which accurately reflects the services provided by such agencies;

(2) Examine, analyze, and evaluate the data gathered pursuant to subdivision (1) of this section by:

(a) Identifying major programs and related costs;

(b) Determining program relationships and dependencies;

(c) Isolating duplicate or redundant programs;

(d) Examining management practices and administrative effectiveness; and

(e) Holding hearings and conducting interviews to allow for both agency and citizen input, reactions, and expectations relative to the functions and services provided by the various agencies; and

(3) On or before January 1, 1980 document its fundings and recommendations in the form of a report to be submitted to the board. Such report shall place special emphasis on simplifying and condensing administrative powers and duties for the purpose of eliminating duplication and providing greater efficiency in government. The standing committee shall include in its report proposed legislation to implement its findings and recommendations.".

2. Renumber original section 14 as section 16.

MOTION—Rule Change

Mr. DeCamp moved the adoption of the rule change found in the Journal on page 1135 and 1136 to Rule 6, Sec. 13, as amended by the Bereuter and Carsen's amendments found in the Journal on page 1250 and 1251.

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

MOTION—Appointments

Mr. Savage moved the adoption of the Committee on Committees' report found in the Journal on page 1159 to reject the appointments of Mr. Robert Snow and Mrs. Jack Stark to the Special Education Appeal Board.

Mrs. Labedz moved to amend the report to confirm the appointments of Mr. Snow and Mrs. Stark.

Mrs. Labedz requested to vote on Mrs. Stark first.

Vote on Mrs. Stark

Voting in the affirmative, 6:

Goodrich	Hasebroock	Labedz	Mills	Moylan
Swigart				

Voting in the negative, 21:

Barnett	Bereuter	Carsten	Clark	Cope
DeCamp	Duis	Dworak	Fitzgerald	Koch
F. Lewis	Luedtke	Maresh	Marsh	Marvel
Murphy	Reutzel	Savage	Simon	Stoney
Warner				

Present and not voting, 19:

Boughn	Brennan	Chambers	Cullan	Fowler
George	Hefner	Kahle	Kelly	Keyes
Kremer	Lamb	R. Lewis	Merz	Newell
Nichol	Rumery	Schmit	Venditte	

Excused and not voting, 3:

Burrows	Maxey	Rasmussen

The amendment of Mrs. Stark lost with 6 ayes, 21 nays, 19 present and not voting, and 3 excused and not voting.

Mrs. Labedz asked unanimous consent to withdraw the amendment on Mr. Snow. No objections. So ordered.

Mr. Duis asked unanimous consent to bracket the committee report until April 25, 1977.

Mr. F. Lewis objected.

Mr. Duis moved to bracket the Committee report until April 25, 1977.

The motion to bracket lost with 7 ayes, 19 nays, 20 present and not voting, and 3 excused and not voting.

Mrs. Marsh moved to refer the appointments of Mr. Snow and Mrs. Stark back to the Committee on Committees.

The motion lost with 9 ayes, 15 nays, 22 present and not voting, and 3 excused and not voting.

Mr. F. Lewis moved to amend the report to approve the appointment of Mr. Snow.

Voting in the affirmative, 28:

Barnett	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Cullan	Dworak	Goodrich
Hasebroock	Hefner	Koch	Labedz	Lamb
F. Lewis	Maresh	Marsh	Merz	Moylan
Murphy	Newell	Rumery	Savage	Simon
Stoney	Swigart	Warner		

Voting in the negative, 0.

Present and not voting, 19:

Bereuter	Chambers	DeCamp	Duis	Fitzgerald
Fowler	George	Kahle	Kelly	Keyes
Kremer	R. Lewis	Luedtke	Marvel	Mills
Nichol	Reutzel	Schmit	Venditte	

Excused and not voting, 2:

Maxey Rasmussen

The amendment was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Mr. Savage moved the adoption of the Committee on Committees' report, as amended to approve the appointment of Mr. Snow and reject the appointment of Mrs. Stark.

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Dworak
George	Goodrich	Hasebroock	Kremer	F. Lewis
Maresh	Marsh	Marvel	Merz	Mills
Moylan	Murphy	Newell	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Warner

Voting in the negative, 0.

Present and not voting, 17:

Chambers	DeCamp	Duis	Fitzgerald	Fowler
Hefner	Kahle	Kelly	Keyes	Koch
Labedz	Lamb	R. Lewis	Luedtke	Nichol
Schmit	Venditte			

Excused and not voting, 2:

Maxey Rasmussen

The report was adopted, as amended with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Mr. Savage moved the adoption of the report found in the Journal on page 1265 to confirm the appointment of Wallace C. Peterson to the Nebraska Political Accountability and Disclosure Commission.

Voting in the affirmative, 29:

Barnett	Bereuter	Brennan	Burrows	Cope
DeCamp	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Keyes	Koch	Kremer	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Mills
Moylan	Newell	Reutzel	Rumery	Savage
Simon	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 18:

Boughn	Carsten	Chambers	Clark	Cullan
Duis	Fowler	Hefner	Kahle	Kelly
Labedz	Lamb	R. Lewis	Merz	Murphy
Nichol	Schmit	Stoney		

Excused and not voting, 2:

Maxey Rasmussen

The Chair declared the appointment of Mr. Peterson confirmed.

EXPLANATION OF VOTE

If I had been present, I would have voted for Mr. Bob Snow.

(Signed) Patrick Venditte

UNANIMOUS CONSENT–Member Excused

Speaker Luedtke asked unanimous consent to be excused. No objections. So ordered.

MOTION–Place LB 62 on General File

Mr. Chambers renewed his pending motion found in the Journal on page 1207 to take LB 62 from committee and place on General File.

Motion pending.

UNANIMOUS CONSENT–Print Amendments to LB 258

Mr. Goodrich asked unanimous consent to print the following amendments to LB 258 in the Journal. No objections. So ordered.

Amendments to LB 258

1. On page 2, line 6 after "requirements" insert "and housing requirements"; in line 7 after "banking" insert "and savings and loan associations"; in line 12 after "bank" insert "or federal savings and loan assoaciation"; in lines 13, 14, and 17 after "bank" insert "or savings and loan association"; and in line 15 after "8-115" insert a comma and strike "and", and in line 15 after the comma insert "and 8-301,"; and in line 26, strike "shall be uniform and".

2. On page 3, line 1 after "bank" insert "and savings and loan association"; in lines 10, 12, 16, and 20 after "banks" insert "and savings and loan associations"; in line 11, after "dollars" insert "or the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation"; and in line 22 after "bank" insert "and savings and loan association".

3. On page 4, lines 7 and 10 after "banks" insert "and savings and loan associations"; in line 22 after "corporation", insert "or Federal Savings and Loan Insurance Corporation"; and in lines 23, 24, and 26 after "bank" insert "or savings and loan association".

4. On page 5, line 12 after "banks" insert "and savings and loan associations".

RESOLUTION

LEGISLATIVE RESOLUTION 52.

Introduced by Business and Labor Committee, Maresh, 32nd District, Chairman.

WHEREAS, the labor contract between the Nebraska Department of Labor and Council 32 of the American Federation of State, County and Municipal Employees was negotiated in good faith over a period of two years; and

WHEREAS, Bill Melvin representing the American Federation of State, County and Municipal Employees and Norm Krivosha representing the management negotiating team, appeared jointly at a public hearing before the Business and Labor Committee and testified that the contract had no fiscal impact that bound the Legislature in any way; and

WHEREAS, Mr. Krivosha and Mr. Melvin testified that the contract is consistent with all substantive state law and adequately protects both parties.

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

That the Legislature approves the contract between the Nebraska Department of Labor and Council 32 of the American Federation of State, County and Municipal Employees consistent with the legal requirement of legislative approval as found in section 48-837, Reissue Revised Statutes of Nebraska, 1943.

Laid over.

ANNOUNCEMENT

Mr. DeCamp announced an executive session of Banking, Commerce, and Insurance Committee at noon today under the North Balcony.

VISITORS

The President introduced 15 seventh grade students and teachers from Helen Hyatt Elementary Grade School, Lincoln; 11 fourth grade students, teacher and sponsor from Lincoln Christian School, Lincoln; 36 senior students and teacher from Palmyra and Bennet District No. 1; 75 Kiwanis members and wives; 47 eighth grade students, teachers, and sponsors from Cathedral of the Risen Christ, Lincoln; 20 junior and senior students and teachers from Macy, Nebraska; 28 junior students and teachers from Lawrence High School, Lawrence, Nebraska; 5 juniors and seniors and teachers from Wilcox High School; 30 fourth grade students, teacher, and sponsor from Bryan Elementary, Millard, Nebraska; 30 senior students and teachers from North Loup Scotia; 17 seventh and eighth grade students, teacher, and sponsors from Lewiston Consolidated, Lewiston, Nebraska; 40 fourth grade students, teachers, and sponsors from Bryan Elementary Grade School, Millard, Nebraska; 19 senior students and teacher from Loomis Public School; and Mrs. Labedz's daughter, Toni and husband Michael Lenagle, and children Shane and Paul; and Mr. R. C. Johnson, former assistant Sergeant at Arms in 1951.

RECESS

At 12:00 Noon, on a motion by Mr. Marvel, 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, Nichol, and Rasmussen who were excused; and Messrs. Savage, Mills, Mesdames. Marsh and Labedz who were excused until they arrive.

UNANIMOUS CONSENT—Member Excused

Mr. Cullan asked unanimous consent to be excused Tuesday, April 12, 1977. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 361. Placed on General File as amended.
Standing Committee amendments to LB 361:

1. On page 3, strike the new matter in lines 7 and 8.

2. On page 10, line 7 strike "ninety" and insert "sixty"; reinstate the stricken matter in lines 11 to 20; in line 16, after the reinstated "that", insert "until January 1, 1980,"; in line 18, strike "September 2, 1973" show as stricken and insert "the effective date of this act".

3. On page 22, line 26, after "(b)" insert "if the land is located outside of this state,".

4. On page 23, line 25, after "81-885.01" insert "to 81-885.03 and 81-885.05"; and in line 26, after "not" insert "necessarily".

5. On page 24, line 3, after "businesses" insert ", including an employer and employee relationship".

(Signed) John DeCamp, Chairman

MOTION—Place LB 62 on General File

Mr. Chambers asked unanimous consent to hold his pending motion to place LB 62 on General File until Tuesday, April 12, 1977. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 503A. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 512A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 515A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 486A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 366. Mr. F. Lewis withdrew his motion to indefinitely postpone.

Mr. Newell asked unanimous consent to hold LB 366 until Tuesday, April 12, 1977. No objections. So ordered.

LEGISLATIVE BILL 61. Mr. Fowler renewed his pending amendment found in the Journal on page 1265 to add the emergency clause.

The amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Messrs. F. Lewis and Schmit asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Fowler offered the following amendments:

Amendments to LB 61

Amendments are to the White Copy

1. On page 4, strike beginning with "and" in line 25 through "space" in line 26.
2. On page 5, line 11 strike "or the users".

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 81. Laid over at the request of Mr. Reutzel.

LEGISLATIVE BILL 81A. Laid over at the request of Mr. Reutzel.

Messrs. R. Lewis and Merz asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 196. Mr. Simon moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Advanced to E & R for Engrossment with 25 ayes, 8 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 510. Mr. Murphy asked unanimous consent to bracket until Wednesday, April 13, 1977. No objections So ordered.

ANNOUNCEMENT

Mr. George announced an executive session of Urban Affairs Committee at 2:45 p.m. today under the North Balcony.

STANDING COMMITTEE REPORTS
Public Works

LEGISLATIVE BILL 404. Placed on General File as amended.
Standing Committee amendments to LB 404:

1. Strike original sections 1 to 4 and insert the following:

"Section 1. That section 60-301, Revised Statutes Supplement, 1976, be amended to read as follows:

60-301. As used in sections 60-301 to 60-344, unless the context otherwise requires:

(1) Motor vehicles shall include all vehicles propelled by any power or combination of power and muscular power other than muscular power exclusively, except farm tractors and other implements of husbandry designed for and used primarily for tilling the soil and harvesting crops, vehicles which run only on rails or tracks, off-road designed vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles, minibikes, which shall mean two-wheel motor vehicles which have a total wheel and tire diameter of less than fourteen inches, or an engine rated capacity of less than forty-five cubic centimeters displacement, or a seat height less than twenty-five inches from the ground, and

road and general purpose construction and maintenance machinery not designed or used primarily for the transportation of persons or property, including, but not limited to, ~~minibikes which shall mean two wheel motor vehicles which have a total wheel and tire diameter of less than fourteen inches, or an engine rated capacity of less than forty five cubic centimeters displacement or a seat height less than twenty five inches from the ground,~~ ditch-digging apparatus, well-boring apparatus, asphalt spreaders, bucket loaders, leveling graders, earthmoving carryalls, power shovels, earthmoving equipment, crawler tractors, and self-propelled invalid chairs;

(2) Highways shall include public streets, roads, turnpikes, parks, parkways, drives, alleys, and other public ways used for the passage of road vehicles;

(3) Trucks shall include motor vehicles equipped or used for the transportation of property;

(4) Trailer shall include every vehicle without motor power carrying persons or property and being pulled by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle;

(5) Semitrailer shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle;

(6) Cabin trailer shall mean every vehicle without motive power designed for living quarters and for being drawn by a motor vehicle, and not exceeding eight feet in width, or forty feet in length, or thirteen and one half feet in height;

(7) Truck-tractor shall mean every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle and load being drawn;

(8) Owner shall mean a person, firm, or corporation who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease of thirty days or more with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor shall be deemed the owner for the purpose of

sections 60-301 to 60-344;

(9) Vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks;

(10) Fleet shall include one or more apportionable vehicles;

(11) Transporter shall mean every person lawfully engaged in the busienss of transporting vehicles, not his own, by driving singly, or in combinations by the towbar, fullmount or saddlemount methods or any conbinations thereof, or where a truck or tractor draws a semitrailer or tows a trailer, solely for delivery thereof;

(12) Self-propelled mobile home shall mean a vehicle with motive power designed for living quarters;

(13) Total fleet miles shall mean the total number of miles operated in all jurisdictions during the preceding year by the vehicles in such fleet during such year;

(14) In-state miles shall mean total miles operated (a) in the State of Nebraska during the preceding year by the motor vehicle or vehicles registered and licensed for fleet operation, and (b) in noncontracting reciprocity states by vehicles that are base-plated in Nebraska;

(15) Local trucks shall mean trucks having a gross weight of less than twenty-five tons and operated wholly and exlusively within an incorporated city or village, or within ten miles of the corporate limits, where they are owned and operated, which trucks shall carry on their license plates, in addition to the registration number, designation of local plate;

(16) Farm trucks shall mean trucks of farmers or ranchers, used wholly and exclusively to carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch, used by the farmer or rancher to carry his own agricultural products, livestock, and produce, to or from storage or market, or used by farmers or ranchers in exchange of service in such hauling of such supplies or agricultural products, livestock, and produce, or used occasionally to carry camper units, which trucks shall carry on their license plates, in addition to the registration number, the designation farm;

(17) Utility trailer shall mean a trailer having a gross weight, including load thereon, of nine thousand pounds or less, attached to a motor vehicle and used

wholly and exclusively to carry miscellaneous items of personal property, which trailers shall carry on their license plate, in addition to the registration number, the letter X;

(18) Local commercial truck shall mean a truck and combinations of trucks, truck-tractors, or trailers, or semitrailers having a gross weight of twenty-five tons or more and operated solely within an incorporated city or village, or within five miles of the corporate limits, which trucks shall carry on their license plates in addition to the registration number, the letters LC;

(19) Farm trailer shall include any trailer or semitrailer used wholly and exclusively to carry a farmer's or rancher's own supplies, farm equipment and household goods to or from the owner's farm or ranch, or used by the farmer or rancher to carry his own agricultural products, livestock and produce to or from storage and market, and attached to a passenger car or farm licensed vehicle, or used by a farmer or rancher to carry his own agricultural products, livestock, and produce to and from market, which trailers shall carry on their license plate in addition to the registration number, the letter X, but farm trailer shall not include a trailer so used when attached to a farm tractor;

(20) Motorcycle shall mean every motor vehicle, except a tractor, having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground;

(21) Fertilizer trailer shall mean any trailer designed and used exclusively to carry or apply agricultural fertilizer and having a gross weight including load thereon of twenty thousand pounds or less, which trailers shall carry on their license plate in addition to the registration number, the letter X;

(22) Apportionable vehicle shall mean any vehicle in a fleet having three axles or more with a gross weight of more than twenty-six thousand pounds, except recreational vehicles, which are used in two or more states that allocate or prorate for the transportation of persons for hire, or designed, used or maintained primarily for the transportation of property. Vehicles having a gross weight of twenty-six thousand pounds or less or two axle vehicles may be proportionally registered at the discretion of the fleet owner; and

(23) Passenger car shall mean a motor vehicle designed and used to carry ten passengers or less and not used for hire; and~~.~~

(24) Motorized bicycle shall mean a bicycle with

fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding fifty cubic centimeters, which produces no more than one and one half brake horsepower, and is capable of propelling the bicycle at a maximum design speed of no more than twenty-five miles per hour on level ground.

Sec. 2. That section 60-401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-401. The following words and phrases, when used in sections 60-401 to 60-440, shall, for the purposes of said sections, have meanings respectively ascribed to them as follows: (1) Motor vehicle includes all vehicles propelled by any power or combination of power and muscular power other than muscular power exclusively, except self-propelled invalid chairs, farm tractors, farm tractors used occasionally outside of general farm usage, road rollers, and any vehicles which run only on rails or tracks, and all off-road vehicles, including but not limited to golf carts, go-carts, riding lawnmowers, garden tractors, all terrain vehicles, and snowmobiles; (2) person includes every natural person, firm, partnership, association, or corporation; (3) operator includes every person who is in the actual physical control of a motor vehicle upon a highway; (4) owner includes a person who holds legal title to a motor vehicle, a mortgagor entitled to the possession of a vehicle, or the conditional vendee or lessee of a vehicle which is the subject of an agreement for the conditional sale or lease thereof, with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee; (5) nonresident includes every person who is not a resident of this state; (6) street or highway includes the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right or easement, for purposes of vehicular traffic; (7) the director shall be the Director of Motor Vehicles of the State of Nebraska; (8) superintendent means the superintendent of law enforcement and public safety, who may be known and designated as State Sheriff, appointed by and responsible to the Governor, who is charged with the administration and enforcement of the laws pertaining to the Nebraska State Patrol and, under the direction of the Governor, is further charged with the duty and responsibility of

enforcing the laws of the state relating to felonies as provided in section 84-106 and with the enforcement of laws pertaining to criminal investigation, criminal identification, and radio communications; and (9) the term this act shall be construed as referring exclusively to sections 60-401 to 60-440.

Sec. 3. The provisions of sections 39-686 to 39-691 shall apply to motorized bicycles as defined in subdivision (24) of section 1 of this act.

Sec. 4. Motorized bicycles shall not be operated on the National System of Defense and Interstate Highways, limited access highways, or sidewalks.

Sec. 5. No evidence of title or registration shall be necessary for the operation of motorized bicycles.

Sec. 6. Any person who operates a motorized bicycle shall obtain a license for such motorized bicycle. Such license shall be issued by the Department of Motor Vehicles upon receipt of a fee of three dollars.

Sec. 7. No person shall operate any motorized bicycle upon the streets, alleys, or public highways of the state until: (1) Such person has obtained a valid operator's license which entitles the licensee to operate a motor vehicle as defined in section 2 of this act; or (2) such person is at least fourteen years of age and has passed such examination excluding the actual operation of a motorized bicycle, as may be prescribed by the Director of Motor Vehicles, in which case the person shall be issued a motorized bicycle operator's license. Fees for motorized bicycle operators' licenses shall be the same as provided by section 60-409 for motor vehicle operators' licenses.

Sec. 8. The Director of Motor Vehicles shall promulgate such rules and regulations for the operation of motorized bicycles as he shall deem necessary.

Sec. 9. That original section 60-401, Reissue Revised Statutes of Nebraska, 1943, and section 60-301, Revised Statutues Supplement, 1976, are repealed.".

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendments to LB 447:

1. On page 4, line 15 after the underscored period insert "For the purpose of this section, the owner or owners, of oil and gas rights in and under an unleased tract of land shall be regarded as a lessee to the extent of a seven-eighths interest in and to such rights and a lessor to the extent of the remaining

one-eighth interest therein.".

2. Insert a new section as follows:

"Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.".

LEGISLATIVE BILL 450. Placed on General File as amended.
Standing Committee amendments to LB 450:

1. Insert a new section as follows:

"Sec. 4. The Nebraska Natural Resources Commission shall adopt appropriate rules and regulations necessary for the administration of the Nebraska Water Conservation Fund.".

2. On page 3, line 7 strike "Expenditures" and insert "Effective July 1, 1978, expenditures"; line 12 after "benefits" insert a period and strike beginning with "and" in line 12 through the period in line 14; and in line 19 strike "three" and insert "two".

3. On page 4, line 8 strike "An" and insert "In".

4. On page 5, line 10 after the comma insert "the Great Plains Conservation Program,"; and in line 24 strike "and".

5. On page 6, line 2, after "use" insert "; and

(f) A recommendation on the type and source of technical assistance required to implement this act"; in line 7 strike "Soil" and after "Conservationist" insert "of the United States Soil Conservation Service"; line 19 strike "and"; in line 20 after "Development" insert ";

(i) The Department of Revenue; and

(j) The Conservation and Surveys Division, University of Nebraska."; and in line 22 strike "fifty" and insert "twenty".

6. Renumber original sections 4 through 9 as sections 5 through 10 respectively.

(Signed) Maurice A. Kremer, Chairman

SELECT FILE

LEGISLATIVE BILL 45. Laid over at the request of Mr. Cullan.

LEGISLATIVE BILL 90. E & R amendments found in the Journal on page 1257 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 90A. Mr. Chambers requested a machine vote on advancing LB 90A.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 19 ayes, 1 nay and 29 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 Engrossment with 26 ayes, 8 nays, 6 present and not voting, and 9 excused and not voting.

REPORT OF EXECUTIVE BOARD

April 6, 1977

At the April 5 meeting the Executive Board further clarified their policy regarding the Easter holidays as established at the March 31 meeting. If permanent staff members take Thursday, April 7, off, they must indicate on their time sheets that they are taking vacation or compensatory time for that day. As previously stated, April 8 and April 11 will be granted as holidays.

(Signed) Richard D. Marvel, Chairman

GENERAL FILE

LEGISLATIVE BILL 483. Considered.

Mr. George offered the following amendment:

AMENDMENT TO LB 483

1. On page 3, strike the new matter in line 13;
and strike beginning with "There" in line 27 through
the period on page 4, line 6.

The amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 398. Title read. Considered.

Mr. Newell renewed his pending amendment found in the Journal on page 1262.

Mr. Newell offered the following amendment to his amendment:

To amend the Newell amendment to prohibit any employee from running for public office in which he is employed unless he take a leave of absence.

The amendment lost with 9 ayes, 15 nays, 18 present and not voting, and 7 excused and not voting.

Messrs. Keyes and Fitzgerald asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Mr. Newell requested a roll call vote.

Voting in the affirmative, 20:

Barnett	Bereuter	Boughn	Brennan	Burrows
Fowler	Goodrich	Kahle	Kremer	Labedz
Luedtke	Maresh	Maxey	Merz	Mills
Moylan	Newell	Reutzel	Rumery	Simon

Voting in the negative, 14:

Carsten	Clark	Cope	Cullan	Duis
Dworak	Hefner	Kelly	Lamb	Marsh
Marvel	Murphy	Stoney	Warner	

Present and not voting, 6:

Chambers	DeCamp	George	Koch	Swigart
Venditte				

Excused and not voting, 9:

Fitzgerald	Hasebroock	Keyes	F. Lewis	R. Lewis
Nichol	Rasmussen	Savage	Schmit	

The Newell amendment lost with 20 ayes, 14 nays, 6 present and not voting, and 9 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

REFERENCE COMMITTEE REPORT

LB	COMMITTEE
529	Bus. & Labor

(Signed) R. D. Marvel, Chairman

NOTICE OF COMMITTEE HEARING
Business and Labor

LB 529 Wednesday, April 13, 1977 12:00 noon

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 121

Mr. Kelly asked unanimous consent to print the following amendments to LB 121 in the Journal. No objections. So ordered.

Amendments to LB 121

1. Strike the committee amendment.
2. On page 3, strike subsections (6) and (7) and insert a new subsection as follows:
"(6) If a landlord's failure to comply with this section is willful and not in good faith, the aggrieved tenant may recover from such landlord the property and money due such tenant and, as damages, an amount not more than one month's periodic rent or the actual damages sustained by him, whichever is greater, plus reasonable attorney fees.".

UNANIMOUS CONSENT—Print Amendment to LB 196

Mr. Simon asked unanimous consent to print the following amendment to LB 196. No objections. So ordered.

In subsection 3, line 15 strike the following "(b) imprisoned in the county jail for not to exceed six months," and reletter subparagraph "c" to "b" and "d" to "c".

UNANIMOUS CONSENT—Print Amendment to LB 274

Mr. Kelly asked unanimous consent to print the following amendments to LB 274 in the Journal. No objections. So ordered.

Amendments to LB 274

1. On page 5, strike lines 13 to 21, show as stricken, and insert a new subsection 7 as follows:
"(7) All public utilities agencies, private

companies having franchises for utilities from the city, or public electric power entities serving such cities, shall, before beginning any construction project in the district area, obtain from the city a plan of improvements made or to be implemented by the district. Before substantially improving or changing facilities constructed or planned by the district board and city council, the utility shall notify the board or any administrator appointed by the city to work with the board, and except in emergency situations, shall obtain written approval of the city.".

GENERAL FILE

LEGISLATIVE BILL 504. Mr. Maresh asked unanimous consent to bracket until April 25, 1977. No objections. So ordered.

LEGISLATIVE BILL 232. Title read. Considered.

SPEAKER LUEDTKE PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 92. Mr. Goodrich asked unanimous consent to bracket until May 4, 1977. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 93. Title read. Considered.

Mr. Newell offered the following amendment:
To strike the existing language and add bank to the Prohibition.

The amendment lost with 11 ayes, 13 nays, 15 present and not voting, and 10 excused and not voting.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Failed to advance to E & R for Review with 20 ayes, 13 nays, 6 present and not voting, and 10 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

ADJOURNMENT

At 4:24 p.m., on a motion by Mr. Barnett, the Legislature adjourned until 10:00 a.m., Tuesday, April 12, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTIETH DAY–APRIL 12, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 12, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we thank You this day for the gift of life. As Spring returns to out countryside, we are reminded that the inevitable cycles of Nature are Your creation and no one is exempt.
>
> We thank you for the gift of Your Son, whose Resurrection we are celebrating, who is the reason for our hope and the source of our joy.
>
> Help us now, rejuvenated by the recess, and inspired by Your Son's victory over death, to take up the business of the people and conduct it with justice, equality and love. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Cullen who was excused; Mr. F. Lewis who was excused until he arrives; and Mr. George who was absent until 10:25 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Fifty-Ninth Day was approved.

MESSAGE FROM THE GOVERNOR

April 7, 1977

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

Dear Mr. President and Senators:

I return herewith LB 79 and LB 79A without my signature and with my objections.

LB 79 authorizes the Board of Trustees of the Nebraska State Colleges to establish the Nebraska Safety Center at Kearney State College. The center is to fulfill the functions of instruction, research, service, and coordination. A twelve member Nebraska Safety Center Advisory Council is created. The Council may make recommendations concerning the operation and administration of the center to the director of the center who in turn is directly responsible to the President of Kearney State College.

Funding for the Nebraska Safety Center at Kearney State College is not part of the budget request of the Board of Trustees of the Nebraska State Colleges. It has not been considered by the Board of Trustees.

The state college office has a fiscal note on LB 79 which indicates a total cost of $404,000 from the State General Fund for Fiscal Year 1977-78. The Fiscal Year 1978-79 cost is placed at $216,000. LB 79A originally included $404,000 of funding; as passed by your body it includes only $54,000.

It appears to me that LB 79 in its present form potentially creates a liability on the State General Fund of approximately $566,000 for Fiscal Year 1978-79. This is a bill that is well intentioned, but, in my opinion, has not been adequately studied as to its priorities within our continuing safety efforts.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

April 8, 1977

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

Dear Mr. President and Senators:

I return herewith LB 459 and LB 459A without my signature and with my objections.

In reviewing LB 459, I discover that this bill, passed by your body 47-0 with the emergency clause, would remove for the rest of this fiscal year the statutory authority to make payments to the technical community colleges. If such authority is repealed, as you have done in LB 459, the community colleges will not receive over $3 million of state aid scheduled for payment in April, May, and June of this year.

State aid is the largest single source of support for the technical community colleges, and a $3 million reduction in aid yet this year would cause tremendous revenue financial hardships at these institutions this year, and cause them serious cash flow problems for all of the next fiscal year.

This situation is similar to what happened last year with state aid to education. You will remember that through an oversight the authority to make a $2.5 million payment to public schools was repealed. I have no choice but to veto LB 459 for the reason stated.

The problem I have just cited represents the only significant objection I have to LB 459. We need legislation for the better coordination of higher education, which was the primary purpose of LB 459.

I have offered through my own budget bills a major effort to coordinate financial reporting procedures throughout higher education which is a necessary first step toward better coordination of program offerings. I urge you to accept my recommendations for coordination of financial reporting procedures contained in my budget and to send to me again this session a higher education coordination bill. If you will revive my bill, LB 488, which was killed in committee and move that forward promptly with coordination amendments, we can still accomplish the desired end this session.

If the Legislature would prefer to start with a new bill, and advise me accordingly, I will be pleased to cooperate and expedite drafting and introducing same since the measure you presented is defective as outlined herein.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 7, 1977, at 8:50 a.m., were the following bills: 77 and 456.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 303. Replaced on Select File as amended.
E & R amendment to LB 303:

1. On page 11, line 13, insert a comma after "Sale".

LEGISLATIVE BILL 228. Replaced on Select File as amended.
E & R amendment to LB 228:

1. On page 4, line 8, as amended by the Stoney amendment strike ". Except" and insert ", except that,".

LEGISLATIVE BILL 430. Replaced on Select File as amended.
E & R amendments to LB 430:

1. Because of the Lamb amendment, strike E & R 1 adopted 4/5.

2. In the Lamb amendments, line 11, insert "a" after "for" as in the statutes.

3. In the title, line 2, insert "79-549, Reissue Revised Statutes of Nebraska, 1943, and section" after "section"; in line 3 insert "to provide an additional kindergarten option;" after the semicolon; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 201. Replaced on Select File as amended.
E & R amendments to LB 201:

1. Because of the Maresh amendment adopted 4/5, strike E & R 4 and 7 adopted 4/5.

2. In E & R 8 adopted 4/5, strike line 3 and insert "insert '32-803,' at the end of line 6." and strike lines 4 and 5.

3. In the Stoney amendments, page 1, insert an underscored comma after "that" in line 10 and "thereafter" in line 12; and in line 14 strike "said" and insert "the".

4. Renumber original sections 2 to 6 as sections 4 to 8, new section 7 added by the Moylan amendment as section 9, original sections 7 to 9 as sections 10 to 12, new section 11 added by committee amendments as section 13, and original sections 10 to 15 as sections 14 to 19.

5. In the title, line 5, insert "14-1003," after "sections"; in line 9 insert "to provide an additional director of a metropolitan water district; to delete obsolete matter;" after the semicolon.

LEGISLATIVE BILL 196. Replaced on Select File as amended.
E & R amendments to LB 196:

1. In lieu of the Stoney amendment, on page 2, line 25, strike "shall" and insert "~~shall~~ may".

2. In the title, line 6, insert "to change a penalty provision;" after the semicolon.

LEGISLATIVE BILL 503A. Placed on Select File.
LEGISLATIVE BILL 512A. Placed on Select File.
LEGISLATIVE BILL 515A. Placed on Select File.

LEGISLATIVE BILL 486A. Placed on Select File as amended.
E & R amendment to LB 486A.

1. On page 2, line 4, insert a comma after "Education".

LEGISLATIVE BILL 483. Placed on Select File as amended.
E & R amendments to LB 483:

1. Renumber the new section added by the Nichol amendment as section 3 and original sections 2 to 4 as sections 4 to 6.

2. In new section 1, line 5, strike the first comma; and in line 8 strike "said" and insert "the".

3. In new section 2, line 1, strike "Section" and insert "Sec. "; in line 3 strike the first comma and insert an underscored comma after "costs"; in line 4, strike "days" and insert "days' "; and in line 7 insert "that" after "order" and strike the scond comma.

4. In lieu of the first George amendment, on page 3, line 25, strike "shall" and insert "may".

5. In the title, line 2, strike "section" and insert "sections 16-669 and"; strike beginning with "and" in line 3 through line 4; strike beginning with "to" in line 8 through the semicolon in line 11; and in line 12, insert ", and also section 16-668, Revised Statutes Supplement, 1976" after "sections".

LEGISLATIVE BILL 398. Placed on Select File.

LEGISLATIVE BILL 232. Placed on Select File as amended.
E & R amendments to LB 232:

1. On page 2, lines 8 and 10, strike the comma.

2. On page 3, insert a comma at the end of line 22.

3. On page 5, line 2, strike ", but" and insert "but,".

LEGISLATIVE BILL 61. Replaced on Select File as amended.
E & R amendment to LB 61:

1. In the title as amended, line 2, insert "District" after "Improvement" and insert "; and to delcare an emergency" after "Act".

Correctly Engrossed

The following bills were correctly engrossed: 90, 90A, 124, 173, 238, 260, 291, 302, 302A, 333, 337, 478, 497, 500, and 506.

Correctly Enrolled

The following bills were correctly enrolled: 208, 305, 305A, 345, 467, and 484.

(Signed) Samuel K. Cullan, Chairman

COMMUNICATIONS

Acknowledged receipt of Resolution No. 1 from the State of Wyoming regarding national debt. (Filed in the Clerk's office.)

Acknowledged receipt of House Joint Memorial No. 7 from the State of Idaho regarding forage surveys on federal lands. (Filed in the Clerk's office.)

Department of Roads

April 4, 1977

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

Dear Mr. Brown:

Attached is one (1) map each of the State Highway System of Nebraska as of January 1, 1977 and the current roads, highways and streets which have been designated as federal-aid primary roads as of March 25, 1977. 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

(Map filed in the Clerk's office.)

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 86.

A BILL FOR AN ACT relating to metropolitan class cities; to authorize the sale of special assessment bonds as prescribed; and to provide for the manner of payment.

Whereupon the 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	Boughn	Carsten	Chambers
Clark	Cope	DeCamp	Duis	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	R. Lewis	Luedtke	Maresh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 1:

Dworak

Present and not voting, 3:

Brennan Burrows Newell

Absent and not voting, 1:

George

Excused and not voting, 3:

Cullan F. Lewis Marsh

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

LEGISLATIVE BILL 274. Mr. Kelly moved to return LB 274 to Select File for the specific amendment found in the Journal on page 1317.

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

Mr. Kelly asked unanimous consent to bracket LB 274 on Final Reading until April 14, 1977.

Mr. Duis objected.

Mr. Kelly moved to bracket LB 274 on Final Reading until April 14, 1977.

Mr. Kelly withdrew his motion for April 14, 1977.

Mr. Kelly asked unanimous consent to bracket LB 274 on Final Reading until April 20, 1977. No objections. So ordered.

LEGISLATIVE BILL 283.

A BILL FOR AN ACT to amend sections 25-1627, 25-1629, and 25-1631, Reissue Revised Statutes of Nebraska, 1943, relating to juries; to remove the requirement that jury lists be drawn in the presence of three judges; to delete a provision for striking the names of all women; to harmonize provisions; and to repeal the original sections, and also section 25-1601.01, 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Keyes

Excused and not voting, 2:

Cullan F. Lewis

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

LEGISLATIVE BILL 324.

A BILL FOR AN ACT to amend section 60-305.09, Revised Statutes Supplement, 1976, and section 60-301, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 133, Eighty-fifth Legislature, First Session, 1977, relating to motor vehicles; to define and redefine terms; to adopt provisions by reference; to reduce the period for record retention; to remove a restriction on temporary authority; to limit the time for assessment of deficiencies or claims for credit; to provide procedures for resolving disputes; to provide for pending matters; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 46:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Brennan

Excused and not voting, 2:

Cullan F. Lewis

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

LEGISLATIVE BILL 353. With Emergency.

A BILL FOR AN ACT to amend sections 77-3001, 77-3004, 77-3007, and 77-3009, Reissue Revised Statutes of Nebraska, 1943, relating to the Mechanical Amusement Device Tax Act; to redefine a term; to increase the tax; to change enforcement provisions; to provide a penalty and for forfeitures; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 42:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	R. Lewis	Luedtke
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 5:

Barnett	Koch	Maresh	Nichol	Rasmussen

Excused and not voting, 2:

Cullan 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 498. With Emergency.

A BILL FOR AN ACT to amend section 19-1806, Reissue Revised Statutes of Nebraska, 1943, relating to civil service; to eliminate certain age requirements; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Newell
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 2:

Murphy Nichol

Excused and not voting, 2:

Cullan 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 511. With Emergency.

A BILL FOR AN ACT to amend section 81-815.45, Revised Statutes Supplement, 1976, relating to the Aerospace Museum; to increase the amount which may be retained in a cash 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 1:

Lamb

Excused and not voting, 2:

Cullan 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 513. With Emergency.

A BILL FOR AN ACT relating to funds; to authorize the establishment and maintenance of petty cash funds 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, 44:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 3:

Boughn Murphy Rasmussen

Excused and not voting, 2:

Cullan 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 514. With Emergency.

A BILL FOR AN ACT to amend sections 77-202.30, 77-27,136 to 77-27,137.01, and 79-4,160, Revised Statutes Supplement, 1976, relating to state funds; to change the distribution of certain payments; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Excused and not voting, 2:

Cullan 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.

MESSAGE FROM THE GOVERNOR

April 8, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 74, 77, 112, 157, 264, 312, 355, 368, 391, 421, 454, 456, 481, 482, and 499, and Reengrossed Legislative Bills Nos. 294 and 365.

These bills were signed by me on April 8, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT–Print Amendments to LB 64

Mr. Barnett asked unanimous consent to print the following amendments to LB 64 in the Journal. No objection. So ordered.

AMENDMENTS TO LB 64

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

"Section 1. That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 13. The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor, Attorney General and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of

conviction for offenses against the laws of the state, except murder in the first degree, treason, and cases of impeachment. The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to grant respites, reprieves, pardons, or commutations in all cases of conviction for murder in the first degree, under such conditions as may be prescribed by law. The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve."

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 place limitations upon the Governor, Attorney General, and Secretary of State granting respites, reprieves, pardons, or commutations in cases of conviction for murder in the first degree.

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 through 9 and insert:

"FOR AN ACT for submission to the electors of an amendment to Article IV, section 13, of the Constitution of Nebraska, relating to the executive; to place limitations upon the Governor, Attorney General, and Secretary of State granting respites, reprieves, pardons, or commutations in cases of conviction for murder in the first degree as prescribed; to

provide for the time and manner of submission and form of ballot; and to provide the effective date thereof.".

ATTORNEY GENERAL'S OPINIONS

Opinion No. 59
April 5, 1977

Dear Senator DeCamp:

You have asked whether or not proposed amendments to LB 64 which would provide for a mandatory death penalty would be constitutional. For the reasons discussed below we believe that they would not withstand a constitutional attack.

Your proposed amendments make death penalty a mandatory punishment for those categories of first degree murder encompassed by the special circumstances enumerated in Section 3 of the proposed amendments. On March 3, 1976, in Opinion No. 189, this office replied to your request for an opinion as to the constitutionality of amendments that are nearly identical to those about which you now ask. That opinion was issued in light of the United States Supreme Court case of Furman v. Georgia, 408 U.S. 238, 33 L.Ed.2d 346, 92 S.Ct. 2726 (1972). Based upon the Furman, supra, case we stated that we could not say that the standards set forth in Section 3 were arbitrary or leave discretion to the court or jury. The amendments that you now submit to us for examination are nearly identical to those submitted last year. Since the issuance of that opinion the Supreme Court of the United States has again spoken out on the issue of death penalty. Because of the holdings in those five cases decided by the United States Supreme Court we would find that your proposed amendments could not withstand a constitutional attack.

Your proposed amendments make death a mandatory punishment for those categories of first degree murder encompassed by the special circumstances enumerated in Section 3 of the proposed amendments. The proposed amendments have no provision for the trier of fact to consider evidence of mitigating circumstances as to the offense or as to the personal characteristics and prior criminal history of the defendant. The Supreme Court of the United States in the case of Woodson v. North Carolina, _____U.S._____, 96 S.Ct. 2978, 49 L.Ed.2d 944 (1976), and Roberts v; Louisiana, _____U.S._____, 96 S.Ct. 3001, 49 L.Ed.2d 974 (1976), has held that mandatory death penalty statutes which do not allow for the trier of fact to take into consideration mitigating circumstances are unconstitutional as they allow arbitrary imposition of the death penalty in violation of the Eighth and Fourteenth Amendments to the United States Constitution. In both the cases of Woodson v. North Carolina and Roberts v. Louisiana, the Supreme Court was faced with a situation in which the state Legislatures of North Carolina and Louisiana had passed statutory schemes for the imposition of death penalty which did not provide for the

consideration of the relevant facets of the character and record of the individual offender or the circumstances of that particular offense. In Woodson v. North Carolina, the Supreme Court of the United States said:

> "A third constitutional shortcoming of the North Carolina statute is its failure to allow the particularized consideration of relevant aspects of the character and record of each convicted defendant before the imposition upon him of a sentence of death. In Furman, members of the Court acknowledged what cannot fairly be denied-- that death is a punishment different from all other sanctions in kind rather than degree. [Citation omitted.] A process that accords no significance to relevant facets of the character and record of the individual offender or the circumstances of the particular offense excludes from consideration in fixing the ultimate punishment of death the possibility of compassionate or mitigating factors stemming from the diverse frailties of humankin It treats all persons convicted of a designated offense not as uniquely individual human beings, but as members of a faceless, undifferentiated mass to be subjected to the blind infliction of the penalty of death.
>
> "This Court has previously recognized that '[f]or the determination of sentences, justice generally requires consideration of more than the particular acts by which the crime was committed and that there be taken into account the circumstances of the offense together with the character and propensities of the offender.' [Citation omitted.] Consideration of both the offender and the offense in order to arrive at a just and appropriate sentence has been viewed as a progressive and humanizing development. [Citations omitted.] While the prevailing practice of individualizing sentencing determinations generally reflects simply enlightened policy rather than a constitutional imperative, we believe that in capital cases the fundamental respect for humanity underlying the Eighth Amendment, see Trop v. Dulles, 356 US, at 100, 2 L Ed 2d 630, 78 S Ct 590 (plurality opinion), requires consideration of the character and record of the individual offender and the circumstances of the particular offense as a constitutionally indispensable part of the process of inflicting the penalty of death.
>
> "This conclusion rests squarely on the predicate that the penalty of death is qualitatively different from a sentence of imprisonment, however long. Death, in its finality, differs more from life imprisonment that a 100-year prison term differs from one of only a year or two. Because of that qualitative difference, there is a corresponding difference in the need for reliability in

the determination that death is the appropriate punishment in a specific case.

"For the reasons stated, we conclude that the death sentences imposed upon the petitioners under North Carolina's mandatory death sentence statute violated the Eighth and Fourteenth Amendments and therefore must be set aside. The judgment of the Supreme Court of North Carolina is reversed insofar as it upheld the death sentences imposed upon the petitioners, and the case is remanded for further proceedings not inconsistent with this opinion."

In light of the Woodson v. North Carolina and Roberts v. Louisiana cases and in particular the material quoted above, it would appear that your proposed amendments could not withstand constitutional challenge because they are without a provision for the trier of facts to consider evidence of mitigating circumstances as to the offense or as to the personal characteristics and prior criminal activity of the defendants. We might further point out that your proposed amendments are very nearly identical to the California death penalty statutes which were ruled unconstitutional by the California Supreme Court in the case of Rockwell v. Superior Court of Ventura County, 134 Cal. 650, 556 P.2d 1101 (1976). Since your proposed amendments are so nearly identical to the California statutes ruled unconstitutional in the Rockwell case, you may want to review the Rockwell case in depth.

Section 7 of your proposed amendments provides in part:

"... No plea of guilty of a felony for which the maximum punishment is death or life imprisonment shall be received from a defendant who does not appear with counsel, nor shall any such plea be received without the consent of the defendant's counsel...."

Section 8 of your proposed amendments provides that:

"Nothing in this act shall be construed to require a defendant to appear in any proceedings under this act with counsel, if such defendant has voluntarily and intelligently elected to proceed in person without counsel."

It would appear that Section 7 and Section 8 are in direct conflict. One section indicates that a plea of guilty may not be entered without the appearance of defendant's counsel and without that counsel's consent and the other section indicates that nothing in this act shall be construed to require what is required in Section 7. This conflict in a criminal statute is most certainly vague. Furthermore, the Supreme Court of the United States in Faretta v. California, _____U.S._____, 45 L.Ed.2d 562, 95 S.Ct._____ (1975), held that even though the Sixth and Fourteenth Amendments to the United States Constitution guarantee that due process

requires that a person brought to criminal trial must be afforded the right to the assistance of counsel that nevertheless, a defendant in such a case has a constitutional right to proceed without counsel when he voluntarily and intelligently elects to do so. In addition to the Faretta, supra, case, Article I, Section 2 of the Nebraska Constitution provides that:

> "In all criminal prosecution the accused shall have the right to appear and defend in person or by counsel, . . ."

In light of the Faretta case and the Nebraska Constitution we do not believe that counsel may be imposed upon a defendant who voluntarily and intelligently wishes to proceed on his own and therefore Section 7 of your proposed amendments would be unconstitutional.

In light of the above discussion it is our opinion that your proposed amendments to LB 64 could not withstand a constitutional attack.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:smb
cc: Mr. Vincent D. Brown
Clerk of the Legislature
State Capitol

OPINION NO. 60
April 6, 1977

Dear Senator DeCamp:

You have requested the opinion of this office concerning the constitutionality of the practice of legislators receiving expenses for attending committee hearings during the interim between sessions.

Section 50-415, R.R.S. 1943, specifically allows members of the council (legislators) to be reimbursed for actual expenses incurred in attending a council session, and any member of a council committee to be reimbursed for any expenses incurred while on business of the committee. Assuming the committee hearings you refer to are of Legislative Council committees, the statute above cited allows the practice you question. The constitutionality of that statute has been considered by this office on several earlier occasions. (See Opinion Nos. 60 and 63, Report of the Attorney General, 1959-60 and 63, Report of the Attorney General, 1959-60, attached.) Article III, Section 7, of the Constitution of the State of Nebraska has not been materially changed since those opinions were rendered. This office cannot at this time say that section 50-415 clearly violates Article III, Section 7, for the same reasons expressed in the earlier

opinions rendered.

We stand on the earlier opinions rendered, which are attached hereto, and decline to overrule those opinions. We therefore conclude that the payment of actual expenses to Legislators while serving as members of the Legislative Council and as members of committees thereof during the interim, Section 7, of the Constitution of Nebraska..

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:saa
Enclosures.
cc: Mr. Vincent D. Brown
Clerk of the Legislature

OPINION NO. 61
April 7, 1977

Dear Senator Newell:

You have raised questions regarding LB 425, Eighty-fifth Legislature, First Session. You state in your letter that this bill amends sections 43-512, 43-512.01 and 43-512.03, R.R.S. 1943. You suggest that the amendment allows the county attorney to assume investigative authority. This bill provides in section 2:

> "The county board of public welfare, through its agents and employees, shall thereupon make such investigation as it deems necessary or as may be required by the county attorney. . . ."

It would appear that this language only authorizes the county attorney to request the initiation of an investigation by those persons charged with making such an investigation. This change merely transfers the right to request or direct an investigation from the Director of Public Welfare, a state officer, to the county attorney, a locally elected official. We do not interpret this change to invest any greater investigatory authority in the county attorney than heretofore existed as an agent of the County Board of Public Welfare. In all cases where prosecution or enforcement of child support obligations are sought, the county attorney plays a significant role as the chief law enforcement officer for the county. He is required to file and prosecute such actions as may be necessary. As such he is entitled to all information and all assistance that may be required to successfully complete such proceedings.

You state in your letter that your concern is that if the county attorney has investigatory authority there may be some violation of state statutes

relating to confidentiality. There are no specific state statutes to which we could point that relate to confidentiality in such a context. Nor are we aware of any statute which would preclude a county attorney from securing access to any information which would be relevant to a criminal prosecution. It is the duty of the county attorney in his official capacity among other things to ". . . prosecute or defend, on behalf of the state and county, all suits, applications, or motions, civil or criminal arising under the laws of the state in which the state or the county is a party interested; . . ." Section 23-1201, R.R.S. 1943. In order to effectively carry out such duties the county attorney must be entitled to receive all information that is relevant and material to any such action. As an attorney he is also bound by the Code of Professional REsponsibility. As such, any information of a confidential nature that would come into his possession would be covered under the terms of that Code.

The only affect of the cited language in LB 425 is to shift the authority to request an investigation from the Director of Public Welfare to the local county attorney. While this may raise some issue regarding federal funding of welfare programs, it does not affect any issue regarding confidentiality. Thus, it is our opinion that the proposed amendments contained in LB 425 including requirement that a copy of an application requesting financial assistance for a dependent child be filed with the county attorney do not violate any restrictions upon confidentiality of information. It is also our opinion that the county attorney is entitled to the information contained within a copy of the application and perhaps the application itself if that information is material and relevant to any pending legal proceedings undertaken or to be undertaken in his official capacity.

Very truly yours,
PAUL L. DOUGLAS
Attorney General
(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

OPINION NO. 62
April 6, 1977

Dear Senator R. Lewis:

You have asked us whether any of the provisions of LB 170 violate the provisions of Article VIII, Section 1, Article IV, Section 28, or any other provision of the Nebraska Constitution. We conclude that some of the provisions of the bill might run into some difficulties in those areas.

Section 1 of the bill provides that the Tax Commissioner, in cooperation with the county assessors, shall, on or before January 1, 1979,

make a valuation of all real estate in the state, and shall establish a statewide computerized property tax valuation system. Section 2 provides that he shall develop a technique to adjust the valuations of all taxable property on an annual basis and shall annually provide each county assessor with the updated real property tax valuations for his county. We see no particular constitutional difficulties with these sections.

Section 4 requires the Tax Commissioner to notify the State Board of Equalization and Assessment of each county whose assessed valuation for real estate varies by more than three percentage points from that determined by the Tax Commissioner. We see no constitutional difficulty with that provision.

Section 6, however, amends section 77-509, R.R.S. 1943, by adding this language to that section:

> "The State Board of Equalization and Assessment shall not enter and certify its order for each county until the Tax Commissioner's valuation and the counties' valuation vary three or fewer percentage points from one another."

This provision at least arguably runs afoul of both of the constitutional provisions you inquire about. It appears to give legal sanction to a variation from uniformity of taxation, and it appears to give the Tax Commissioner authority which must constitutionally be exercised by the State Board of Equalization and Assessment.

Article VIII, Section 1, of the Constitution requires taxes to be levied by valuation uniformly and proportionately. Theoretically, this means that all property must be valued at its actual value, and admits of no variations whatever. We all recognize, of course, that this goal has not been, and never can be actually reached, because the value of property is a matter of varying opinions, and is not subject to exact determination. This, however, is a question of evidence. The county assessor, the county board of equalization, and the State Board of Equalization and Assessment are supposed to consider the evidence and reach a decision as to what the actual value is. In legal theory, after the State Board of Equalization and Assessment has either approved the county valuations or adjusted them, their final figures are the actual values. The fact that someone may argue that someone along the line made a mistake, and that the final figures are incorrect is of no constitutional significance. The court would recognize that the State Board of Equalization and Assessment must make the final determination, and if its determination is supported by evidence, it will be affirmed.

Section 6, however, appears to give tacit approval to variations from uniformity. If it is construed to authorize the State Board of Equalization and Assessment to approve county valuations varying three percentage points from the board's determination of actual values, it seems to be technically in violation of the uniformity provision. The point is that the normal variations due to differences of opinion of which we have spoken will still exist, and in addition a statutory variation will be sanctioned.

While we would all be happy to achieve equalization within three percentage points, we believe section 6 may violate the theory behind Article VIII, Section 1.

Article IV, Section 28, gives the State Board of Equalization and Assessment the power to equalize assessment of property for taxation within the state. Section 6 of the bill forbids the board to approve the county's valuations until the Tax Commissioner's figures and the county's vary three percentage points or less. This appears to give the Tax Commissioner's figures controlling weight. The final determination of values must be made by the board, not the Tax Commissioner. His figures can only be evidence to be considered by the board. The board might conclude that the county's figures are correct, and the Tax Commissioner's were wrong. Yet, if he refused to change them, section 6 would forbid the board to enter and certify its order. We believe this gives more finality to the Tax Commissioner's figures than the Constitution permits.

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. 63
April 8, 1977

Dear Senator Bereuter:

In response to your inquiry concerning the constitutionality of LB 142 as amended by committee amendments shown on page 974 of the Legislative Journal, it is the opinion of this office that the bill is constitutional.

Our opinion of March 21, 1977 to Senator Duis, and which opinion you have referred to, concerned the constitutionality of this bill as originally introduced. It pointed out that except for the use of the words "or design" in Section 3(a) of the bill that we found nothing objectionable. The bill contained no unreasonable or arbitrary classification. It did not offend "due process of law" nor did it constitute a denial of "equal protection of the laws."

The langauge above quoted which we found offensive in our former opinion has been elimimated by the committee amendments substituting a completely new Section 3. This new section has no similar objectionable matter. The amendments contain no element that we find can in any manner be objected to on a constitutional basis.

There is in the amendments on line 17 an error in failure to make clear

the exact "the" being changed to an "a," but this may be cured by "E & R" and has already been called to the attention of the bill drafter for that purpose.

Sincerely yours,
PAUL L. DOUGLAS
Attorney General

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

HSS: saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 64
April 8, 1977

Dear Senator Simon:

In letters dated March 31, April 1, and April 4, 1977, you have asked this office several questions regarding your amendments to LB 64 and your amendments to those original amendments. Your amendments as we read them would provide for a sentence of not less than 30 years nor more than 90 years with no provisions for parole or good time sentence reductions as set forth in sections 83-1,107 and 83-1,107.01, R.S.Supp., 1976. As we understand your questions, you seek advise on whether or not your amendments are first of all constitutional and secondly, whether or not your amendments would have the effect of keeping an individual convicted of first degree murder incarcerated for at least a minimum term of 30 years.

Preliminary to discussing the specific questions you have raised is the necessity to discuss two prior opinions of this office. The first opinion is Opinion of the Attorney General No. 189, Report of the Attorney General 1975-1976, dated March 3, 1976. In that opinion this office was asked to discuss the constitutionality of certain amendments relating to the death penalty. Those amendments provided for a mandatory death penalty in certain cases and provided for the imposition of life imprisonment without the possibility of parole after conviction of certain crimes, none of which involved treason or impeachment. In that opinion we came to the conclusion that the provisions providing for the imposition of life imprisonment without possibility of parole after conviction would be difficult to defend constitutionally.

The second opinion that is necessary to discuss is the Opinion of the Attorney General No. 23, dated February 22, 1977. In that opinion we discussed certain proposed amendments that would provide for a sentence of not less than 30 nor more than 90 years for each count upon which a first degree murder conviction was had and provided that there would be no provision for parole on the sentence. Our opinion concerning that

amendment reasons that the amendment would not as a practical matter be any different than the current law under which a first degree murderer who received a sentence of life imprisonment is deemed to not be eligible for parole until such time as the Board of Pardons, in exercising its constitutional authority, commutes his life sentence to either a determinate number of years or an indeterminate sentence, the minimum of which may be used to calculate parole eligibility. We further concluded in that opinion that we did not believe that the establishment of a 30 to 90 year sentence without parole for persons convicted of first degree murder was unconstitutional class legislation.

In attempting to answer your most recent questions concerning your amendments the provision of the Constitution which must be focused upon is Article IV, section 13. That constitutional provision reads in part:

> ". . . Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. . . ."

In Opinion of the Attorney General No. 189, 1976, it was reasoned that since Article IV, section 13 of the Constitution of Nebraska provided that the Parole Board "shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment . . . " that the exception of treason and cases of impeachment from parole eligibility implied the exclusion of all other categories of crimes not fairly incident to those enumerated. That is to say, that since the Constitution provided that persons convicted of treason and cases of impeachment were not eligible for parole, that all other cases involving criminal convictions must be eligible for parole. It is now apparent that an equally plausible analysis of Article IV, section 13 is that the framers of the Constitution did not intend the exception for treason and cases of impeachment to be a grant of parole to all other persons but intended it to be a restriction upon the Legislature's power to set such conditions for parole. Put more plainly, Article IV, section 13 could be interpreted to allow the Legislature to establish conditions for parole as it desired except in the cases of treason and impeachment. Therefore, following that interpretation, the Legislature could have the power to create conditions relating to parole no matter what the offense except for those cases enumerated in the Constitution, those being treason and cases of impeachment. We feel this latter analysis of Article IV, section 13 is legally defensible and while we cannot categorically say that it is correct, we would endeavor to defend such an interpretation before the courts of this state should the need arise.

Your first specific question as to the amendments to LB 64 is whether or not those amendments and amendments to the amendments would be constitutional. In light of the discussion above we cannot categorically say

that those amendments are constitutional but we do believe that the second analysis of Article IV, section 13 discussed above is a plausible legal defense that could be used should your amendments be attacked as unconstitutional.

Your second specific question as to the amendments to LB 64 is whether or not your amendments would have the effect of keeping an individual convicted of first degree murder incarcerated for at least a minimum term of 30 years. It is our opinion that the amendments if sustained as constitutional would, subject to the power of the Pardon Board, guarantee that the person convicted of first degree murder would serve a minimum of 30 years in prison. The amendments would provide first of all that no person convicted of first degree murder and sentenced to a term of 30 to 90 years would be eligible for parole. Secondly, your amendments provide that the provisions of sections 83-1,107 and 83-1,107.01, R.S.Supp., 1976, shall not apply to an individual convicted of first degree murder. These two statutory sections are commonly called the "good time" laws. These laws affect both eligibility for release on parole and the date when an inmate's discharge from the custody of the state becomes mandatory.

Section 83-1,107 provides that the chief executive officer of a facility shall reduce for good behavior the term of a committed offender. The reductions for good behavior are deducted from the inmate's minimum term to determine the date of his eligibility for release on parole. The reductions for good behavior are deducted from the maximum term to determine the date when an inmate's discharge from the custody of the state becomes mandatory. In addition to these two deductions, section 83-1,107.01, R.S.Supp., 1976, provides that an offender shall receive for faithful performance of his assigned duties a further reduction. That reduction is deducted from the maximum term to determine the date when his discharge from the custody of the state becomes mandatory. Your amendments would eliminate these reductions from both the minimum term for the purposes of determining parole eligibility and from the maximum term for the purposes of determining the date when an offender's discharge from the custody of the state becomes mandatory.

The practical effect of your amendments would be to eliminate indeterminate sentencing in first degree murder cases. This effect is demonstrated by the hypothetical indeterminate sentence of 30 to 90 years imprisonment. Since reductions from the minimum term for parole eligibility have been eliminated, the minimum term of 30 years would serve no purpose. Since the deductions from the maximum term have been eliminated, the inmate's discharge from the custody of the state would only become mandatory at the expiration of the full 90 years. Therefore, the indeterminate sentence of 30 to 90 years is in reality a flat sentence of 90 years. It follows from the above hypothetical that any sentence given a convicted first degree murder under your amendments would result in a flat sentence wherein the person convicted would serve the total sentence, subject to the power of the Pardon Board to commute that sentence.

We assume that the intent of your amendments is to assure that a person convicted of first degree murder will be incarcerated for a minimum of 30 years. While this end may be accomplished in several ways other than those that you have proposed in your amendments, we do feel that your amendments, if sustained as constitutional, would, subject to the power of the Pardon Board, result in that end.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

OPINION NO. 65
April 8, 1977

Dear Senator Chambers:

You have asked this office to review and either confirm or explain why we disagree with the contents of a memorandum that you have distributed to the members of the Legislature. Your memorandum is a discussion of the effect of the "good time" law on Senator Simon's amendment to LB 64. Senator Simon's amendment to LB 64 provides that a person convicted of first degree murder shall receive a thirty to ninety year sentence without provisions for parole. Because of further correspondence from Senator Simon, we are now aware that he intends to amend his amendment to provide that a person convicted of first degree murder shall be sentenced to a term of thirty to ninety years with no provisions for parole and further that the person convicted shall not be accorded "good time" reductions from his maximum sentence to determine his mandatory discharge from the custody of the state.

As a preface to the discussion of the effect of the Simon amendment to LB 64, it is necessary to discuss the effect of the current "good time" laws on a convicted offender. This Legislature, in 1975, passed LB 567 which was a bill intended to increase the effectiveness of good time as a tool for influencing the behavior of those committed to any facility operated by the Department of Correctional Services. Section 2 of LB 567 (section 83-1,107, R.S.Supp., 1976) provides for good behavior deductions from an offender's minimum term to determine the date of his eligibility for parole and from his maximum term to determine the date when his discharge from the custody of the state becomes mandatory. Section 3 of LB 567 (section 83-1,107.01, R.S.Supp., 1976) provides for faithful performance deductions from an offender's maximum term to determine when his discharge from the custody of the state becomes

mandatory. Those faithful performance deductions are not deducted from an offender's minimum term to determine his parole eligibility. The following is a hypothetical example of the effect of the current law (LB 567) as it now operates.

A convicted offender sentenced to an indeterminate term of thirty to ninety years would, by the application of section 83-1,107, R.S.Supp., 1976, be eligible for parole after serving twenty years and three months. The same convicted offender, if he forfeited no good time, would be entitled to discharge from the custody of the state after serving approximately sixty-four years and nine months.

Another hypothetical example to consider under the present law is that of a flat sentence. If a convicted offender were to receive a flat sentence of thirty years, he would be eligible for parole in twenty years and three months, but he would be eligible for mandatory discharge, providing that he had not forfeited any of his good time, in fifteen years and five months. It should be pointed out and emphasized here that parole eligibility is determined by deducting good time from the minimum sentence. Mandatory discharge is determined by making deductions from the maximum sentence. Therefore, on a flat sentence of thirty years, a convicted felon who loses no good time is entitled to mandatory discharge before he is eligible for parole. It is also important to note that the Board of Parole has no discretion in granting a mandatory discharge but does have discretion in granting parole.

Under Senator Simon's amendments and his amendments to the amendments, the good time provisions of section 83-1,107 and 83-1,107.01, R.S.Supp., 1976, would be eliminated in the case of convicted first degree murderers. There are, under his amendments, no provisions for parole and no provisions for good time or faithful performance deductions in a sentence. The effect of such a sentence would be as follows.

Again, we will begin with the hypothetical example of a convicted person being sentenced to a term of thirty to ninety years. Since the good time provisions of section 83-1,107 have been eliminated, there will be no reduction from the minimum term for the purposes of determining parole eligibility. That being the case, the minimum sentence of thirty years is of no effect whatsoever. Since the reductions from the maximum sentence to determine when discharge from custody of the state becomes mandatory would also be eliminated, the ninety year sentence is not reduced. These two facts have the effect of making an indeterminate sentence of thirty to ninety years in fact a flat sentence of ninety years. In other words, under Senator Simon's amendments, there would be no such thing as an indeterminate sentence but only flat sentences falling within the limits of the minimum of thirty years and a maximum of ninety years. Again, in a hypothetical situation of a convicted person who was sentenced to a flat thirty year sentence, that person would not be entitled to the good time provisions or parole provisions of 83-1,107 and 83-1,107.01 and would therefore not be eligible for parole at any time and would not be eligible for release until he had served his complete thirty year sentence.

In a subsequent handwritten letter to this office dated April 7, 1977, you ask whether or not, since the object of Simon's amendments to LB 64 is to produce a minimum sentence of thirty years in cases of first degree murder, whether or not that end could be achieved by providing that a minimum sentence of forty-five years would be imposed with no possibility of parole until at least two-thirds of that sentence (thirty years) had been served. We feel that this is a completely legitimate and defensible condition upon the granting of parole and could be defended. We should point out that we have also on this day written an opinion to Senator Simon in which we discussed the Legislature's power to set conditions for the granting of parole. In that opinion we discussed whether or not the Legislature, in light of Article IV, section 13, could eliminate the provisions of parole for a certain class of offenders. While we reached no categorical conclusion, we did say that we felt such a condition prescribed by the Legislature would be constitutionally defendable. Because you have made the statement in your memorandum circulated to the Legislature that the Legislature may restrict, grant or withhold parole, we have attached hereto a copy of our opinion to Senator Simon in which we discuss whether or not the Legislature may so act.

It must be noted that the entirety of the above discussion concerning the effect of the Simon amendments is subject to the power of the pardoning board. The Legislature cannot alter the power of the Pardon Board to reduce or commute a sentence imposed. Regardless of what this Legislature does with regard to sentencing statutes and parole statutes, the power of the Board of Pardons to commute sentence will be unfettered.

To sum up the above, it is first necessary to keep in mind the question of the constitutionality of an attempt by the Legislature to eliminate eligibility for parole in certain classes of offenses. Secondly, it is necessary to keep in mind and distinguish between eligibility for parole and mandatory discharge. Parole eligibility is determined by deducting good time provisions from the minimum sentence. Mandatory discharge is determined by making deductions from the maximum term. Under Senator Simon's first amendment providing for no parole, the good time provisions reducing the maximum sentence to determine mandatory discharge would still apply and a person serving a flat thirty year sentence would be entitled to mandatory discharge after serving fifteen years, five months. Under Senator Simon's amendment to his amendment, the good time reductions from the maximum term would also be eliminated and a convicted offender would serve the total of his maximum term.

Finally, we are of the opinion that if the desired end is to assure that a first degree murderer serves a total of thirty years before he is released from the custody of the state, that your proposal that he be sentenced to a minimum of forty-five years, with the provision that no parole shall be possible until at least two-thirds of the sentence has been served, would also accomplish this purpose and be consitutionally (sic) defensible.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ejg
enc.
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 66
April 5, 1977

Dear Senator F. Lewis:

In a recent letter to this office you state that the State Department of Education has submitted proposed legislation which, if enacted, would alter statutes affecting the operation of the residential school for mentally retarded children at Cozad which is under the control and supervision of the State Department of Education. You further state that "[a]ctions taken by the State Board of Education in terminating existing personnel at the school indicate that prior to legislative authorization they are proceeding with a change in the role of this school." In connection therewith you also note that the Eighty-Third Legislature, Second Session, 1974, approved LB 1055 which appropriated a sum of money for the construction of a diagnostic center at the Cozad location and note that your "interpretation of LB 1055 excludes reference to repeal sections 43-617 or 43-618 R.R.S. [1943]." You then state in view of the facts that you have presented "would it be the opinion of [this] office that the State Board of Education has authority to alter the purposes of the Cozad School as specified in Section 43-617 and 43-618, and therefore has no need for action by the Legislature to make statutory changes."

It appears to us that we cannot answer your question on the basis "of the facts that you have presented." We can advise you that sections 43-617 and 43-618, R.R.S. 1943, were last amended in the year 1972 and as of this writing both sections are operative. However, we must also call your attention to section 2 of LB 610 of the Eighty-Fourth Legislature, First Session, 1975. That section provides, in part, as follows:

> "The department shall include with the 1976-77 budget request a five-year plan for the Diagnostic Resource Center in Cozad, Nebraska. Such plan shall include (a) goals and objectives to be accomplished by the resource center, (b) methods of accomplishing the goals and objective, (c) services to be offered and the number of students receiving the services, and (d) an

> evaluation system to measure the accomplishment of the stated objectives through specific performance criteria. The implementation of the plan shall be included in the 1976-77 budget request."

Thus, in order to fully answer the question you have propounded, it would be necessary to examine the five-year plan for the Diagnostic Resource Center in Cozad that the Legislature requested the State Department of education to include with its 1976-77 budget request. A fortiori, it would also be necessary to examine the action that the Legislature took with respect to that plan. Finally, we call your attention to section 43-610.01, R.R.S. 1943, which provides, in part, that "[t]he State Department of Education, in cooperation with institutions of higher education, regional and local educational agencies, is hereby directed to develop and coordinate the implementation of a program ... for a statewide comprehensive diagnosis and evaluation system. . . ." Thus, the question you have propounded is indeed complex. If we may be further assistance, you need only to advise.

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

Opinion No. 67
April 8, 1977

Dear Senator Venditte:

You ask "may a city provide for greater penalties than those prescribed by state law?" We understand that you want this information for the purpose of reviewing LB 38. Article XI, Section 2, of the Constitution provides:

> "Any city having a population of more than five thousand (5,000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state, . . ."

Under this provision a number of cities have enacted such charters. A number of cases may be cited which state that ordinances under a home rule charter must be consistent with and subject to the Constitution and laws of the state. See, City of Millard v. City of Omaha, 185 Neb. 617, 177

N.W.2d 576. There are also a number of cases which provide that subjects of statewide concern are controlled by state law and not city ordinances or city charger. See, Dell v. City of Lincoln, 170 Neb. 176, 102 N.W.2d 62.

The precise question that you have posed has not been specifically answered by the Supreme Court of the State of Nebraska. Courts in other states have split on this issue, some holding that cities were entitled to enact ordinances which provided either greater or lesser penalties than provided by a similar state statute. Other cases have held that city ordinances must provide that same penalty as set forth in state statutes. A number of variations of this rule may be explored at great length. We do not believe that it is necessary for the purpose of answering the question you have posed.

There are two cases of significance in Nebraska regarding this issue. The first is Bailey v. State, 30 Neb. 856, 47 N.W. 208, an 1890 case. In that case a challenge was made to a city ordinance which provided a fine of one hundred dollars and costs for selling spirituous liquors within the city. A state statute provided a fine of one hundred to five hundred dollars or imprisonment not to exceed one month in the county jail. The court pointed out that the Legislature had specifically authorized villages to pass ordinances prohibiting the selling or giving away of intoxicating liquors. The Legislature also had authorized cities to impose fines not exceeding one hundred dollars for such offenses. Similar provisions may be cited in the present statutes. As an example, section 15-263, R.R.S. 1943, a statute relating to cities of the primary class, provides that cities may pass certain types of ordinances and "[T]o enforce all ordinances by providing for imprisonment of those convicted of violations thereof at hard labor for a period not to exceed six months and to impose forfeitures, fines, and penalties not exceeding five hundred dollars for any one offense, . . ." The second case, Bodkin v. State, 132 Neb. 535, 272 N.W. 547 (1937), also related to the liquor laws. The City of Lincoln passed an ordinance making it unlawful to sell or give alcoholic liquors to minors. The state statute provided that it was unlawful knowingly to sell or give alcohol liquors to minors. The court stated that this particular statute was not inconsistent with the state statute. They held:

> ". . .The words 'consistent' and 'inconsistent,' appearing in the Constitution or statutes under consideration, are used in a sense applicable to legislation. 'Inconsistent' in that connection means contradictory in the sense of legislative provisions which cannot coexist, not mere lack of uniformity in detail. . . ."

Thus, it would appear that as a general rule city ordinances may be enacted only within the jurisdictional limits granted to the particular class of city passing the ordinance. In addition, the ordinance should be consistent in purpose with that enacted by the state statute. Where the state statute authorized a penalty in excess of the jurisdiction of the city, the city might be authorized to enact an ordinance with a lesser penalty. Where the state statute provided a minimum penalty, it is unclear whether

the city might enact a statute with a greater penalty.

While it is is (sic) a questionable area, based upon the majority rule of other jurisdictions, we believe that a city might constitutionally assess a greater penalty than that provided by state statute on the same subject. Certainly, the enacting body would have to give careful consideration to the exact circumstances with which they might be confronted, acknowledging the possibility that a challenge might well succeed.

Thus, with respect to your specific question, the cities may not enact ordinances which are inconsistent with state statutes nor may they exact penalties beyond their jurisdictional limits. In sum, we are only able to provide you with a general discussion of the area. Without a specific factual context, analysis in this area is very uncertain. The split in the states which have considered these questions make it clear that it is an area requiring particular facts before a particular position may be taken. Absent such facts, no hard and fast rule may be stated.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

Opinion No. 68
April 8, 1977

Dear Senator Rasmussen:

You have requested our opinion as to the constitutionality of certain committee amendments to Legislative Bill 485, a copy of which amendments bearing the legend "LB485 REQ2531," was attached to your letter of April 4, 1977.

At the present time section 81-502.01 provides for an advisory committee to the office of the State Fire Marshal and prescribes the composition of such committee. The declared purpose of such committee is simply that of "advising the State Fire Marshal in matters pertaining to the performance of his duties." The committee amendments, in lieu of the advisory committee, would amend that section so as to establish a Nebraska Fire Safety Appeals Board, the composition of which would be the same as now applies to the advisory committee and the present members of the committee would continue to serve as members of the Fire Safety Appeals Board. The declared purpose of the board would be that of "assisting," as distinguished from merely advising, the State Fire Marshal.

Section 81-502.02, at the present time, also pertains to the Fire Marshal

advisory committee, prescribing its duties, compensation and times of meeting. The committee amendment to this section simply makes appropriate changes in internal references so as to accommodate the change from an advisory committee to the Fire Safety Appeals Board.

Section 81-502.03 pertains to procedure in the event of "Disagreement concerning the propriety of any action taken or proposed to be taken by the State Fire Marshal or the application of any statute, rule, or regulation of his office with respect to any establishment or installation." At the present time, this section simply provides for a hearing before the State Fire Marshal and his advisory committee, with the ultimate decision still being made by the Fire Marshal alone, "based upon the evidence brought forth in the hearing." Under the committee amendments this section would be amended so as to vest the Fire Safety Appeals Board with the authority to make the ultimate decision. Additionally, the committee amendment would require that before any political or governmental subdivision could be required to "make any modification in the design or construction of any public building or any modification in the location, installation, or operation of any existing equipment therein, or the replacement of such equipment," the Fire Marshal or a deputy shall personally appear before the governing body of such subdivision with a written report from a licensed architect or engineer reciting the reasons for the Fire Marshal's proposed order.

Of course, the practical effect of the committee amendments to LB 485 would be to transfer from the State Fire Marshal to the Nebraska Fire Safety Appeals Board the decision-making authority now vested in the Fire Marshal alone. Whereas the present advisory committee has no power to override any judgment of the Fire Marshal, the new board would have such power and the board would make the final decision in all cases of disagreement concerning any action or proposed action by the Fire Marshal. We are informed that the request for an opinion has been prompted by some apprehension in the committee as to whether such a result might be constitutionally prohibited. We think not.

Although the State Fire Marshal is what is normally considered an executive office, it is purely a statutory creation with no constitutional origination or protection. Inherent in the legislative power to create an office there is a corresponding authority to define, limit and alter the powers of such office. In the absence of some constitutional restriction, the Legislature may diminish or increase the powers of such office at will; or the office may be entirely abolished by the Legislature. State v. Houston, 94 Neb. 445, 143 N.W. 796; State ex rel. Beck v. Young, 154 Neb. 588, 48 N.W.2d 677. We find nothing in the Constitution which would prohibit the Legislature from enacting the proposed committee amendments to LB 485.

Although not a matter of constitutional dimensions, we invite your attention to an apparent inconsistency in section 81-502.02, wherein the last sentence provides:

"Nothing in sections 81-205.01 to 81-502.03 shall be construed as reducing the statutory powers of the State Fire Marshal."

That language presently is in the statutes and would remain notwithstanding the LB 485 amendment. Most certainly, the creation of the Nebraska Fire Safety Appeals Board would drastically reduce the previous statutory powers of the State Fire Marshal; and, presumably, that would be the legislative intent in the event the LB 485 amendment were adopted. It could be argued, of course, that the proviso should be construed as though it contained the additional words "except as therein expressly provided," or something to that effect. However, whereas the last sentence of section 81-502.02 is quite appropriate under the present advisory committee arrangement, it does seem unfitting, if not contradictory, for such language to remain in the amended version of LB 485. It is a matter which could give rise to confusion and controversy; and it occurs to us that the committee might want to give some consideration to deleting the provision in the amendment.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) C. C. Sheldon
Assistant Attorney General

CCS:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Members Excused

Mr. Warner asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

Speaker Luedtke asked unanimous consent to be excused Wednesday, Thursday, and Friday, April 13, 14, and 15, 1977. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Barnett offered the following amendments to Article 10:

1. On page 166, line 13, strike "or physically offensive".

2. On pages 177, 178, and 179, strike sections 234, 235, and 236.

The Barnett amendment (1) was adopted with 26 ayes, 1 nay, 19 present and not voting, and 3 excused and not voting.

The Barnett amendment (2) was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SPEAKER LUEDTKE PRESIDING

Laid over.

SECOND CORRECTED STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendment to LB 373:
1. On page 3, line 3, after "limitation" insert "but shall not exceed one hundred sixty-eight months".

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT–Print Amendments to LB 131

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 131 in the Journal. No objections. So ordered.

Amendments to LB 131

Amend the Standing Committee amendments on pages 881 through 883 of the Journal as follows:

1. Strike section 6.

2. In section 7, page 882 of the Journal strike beginning with "Prior" in line 9 through "every" in line 12 and insert "Every", and in line 14 strike "such re-assessed or revalued".

3. In section 8, page 883 of the Journal, line 14 after the semicolon insert "and"; in line 16 after "indebtedness" insert a period and strike beginning with ";" in line 16 through the period in line 18.

4. In subsection (2) of section 9, page 883 of the Journal, line 3 strike "reduce" and insert "adjust"; and in line 4 after "budget" insert a period and strike beginning with "for" in line 4 through the period in line 8.

5. Insert a new section to read:

"Sec. 10. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

6. In committee amendment 2, line 12 strike "10" and insert "11".

UNANIMOUS CONSENT—Print Amendments to LB 419

Mr. Mills asked unanimous consent to print the following amendments to LB 419 in the Journal. No objections. So ordered.

Amendments to LB 419

1. In the Final Reading bill, page 2, line 7, strike "not" and insert "registered"; and in line 8 strike "exceeding" and insert "for" and after "weight" insert "or less".

2. On page 3, lines 6 and 22, strike "not exceeding four tons gross weight".

3. On page 4, line 2, strike "not exceeding four tons gross"; in line 3, strike "weight"; strike the new matter in lines 5 to 12, and insert "The owner of a vehicle bearing personalized prestige plates may make application to the county treasurer to have such plates transferred to a motor vehicle other than the vehicle for which such plates were originally purchased (1) if such vehicle is owned and registered by the owner of the prestige plates and (2) if the license plates from the vehicle on which the prestige plates are to be placed are placed on the vehicle from which the prestige plates are taken. Plates may only be transferred from a commercial truck to a commercial truck or from a passenger vehicle to a passenger vehicle."; in line 13, strike "made to", line 14, strike "the county treasurer and shall be" and in lines 14 and 15, strike "an application" and insert "a".

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 498.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 498, 208, 305, 305A, 345, 467, and 484.

RESOLUTION

LEGISLATIVE RESOLUTION 53.

Introduced by Clark, 47th District; Duis, 39th District; Marvel, 33rd District.

WHEREAS, Thomas Coffey lead a full and active life of public service holding a diversity of public posts including State Purchasing Agent, chairman of the Nebraska Board of Educational Lands and Funds, past mayor of Alma, Nebraska and member of the Nebraska Legislature from 1953 to 1955; and

WHEREAS, his interest in government affairs lead him to accept the post of city manager for Sidney, Nebraska and Fort Collins, Colorado; and

WHEREAS, in private life he was founder of the Coffey Transfer Company, member of the Motor Carriers Association and fought courageously against those forces which threaten the continued survival of small independant trucking companies; and

WHEREAS, on April 9, 1977, Thomas Coffey at the age of 69 was called to demonstrate his personal courage for the last time.

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

1. That the Legislature express its sympathy and best wishes to the family of Thomas Coffey.

2. That a copy of this resolution be sent to Mrs. Zelma Coffey as an expression of regret for her husband's passing.

Mr. Clark moved to suspend Rule 4, Sec. 6 to consider LR 53 today.

The motion prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LR 53 was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

PRESIDENT WHELAN PRESIDING

LEGISLATIVE RESOLUTION 46. Read and considered.

LR 46 was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 50. Read and considered.

Laid over.

VISITORS

The President introduced Senator Ocasek from Ohio, and James H. Bowhay, Regional Director, from Chicago, Illinois; 36 fourth grade students and teachers from Tri County School, Dewitt, Nebraska; 9 Day Care Children and teachers from Epworth Day Care School; and former Senator Florence Reynolds from Omaha and friends.

RECESS

At 12:00 noon, on a motion by Mr. Marvel, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Cullan who was excused and Mr. F. Lewis who was excused until he arrives.

GENERAL FILE

LEGISLATIVE BILL 33. Considered.

Mr. Murphy offered the following amendment:
On page 7, line 20, strike new wording in Section 8 beginning with "an" on line 20 thru "provides" on line 22.
On page 7, line 24, after the word "education" insert new wording: "Such funding shall include (1) those provided under Section 79-445, wards of the court
79-1302, school land apportionment
39-6,117, fines and penalties
gen. fund, licenses
77-913, insurance premium tax
53-160, occupation tax for liquor
79-1523, payments to pension fund
79-1276, Reserve Teachers Act
43-609, Special Education
79-1330, Foundation and Equalization Act
(2) Such portion of the total county tax levy as shall be levied for school purposes, when applied to funds received under the provisions of Section , Subdivision fund (intangible)
77-12 , Personal property exemption
77-202.22, Homestead Exemption

(3) And funds provided pursuant to Chapter 79-1330."
Strike subsection (2) and (3) on page 7 and 8.

Mr. Murphy moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Bereuter	Burrows	Clark	Cope	DeCamp
Dworak	Hasebroock	Hefner	Kahle	Kelly
Labedz	Lamb	R. Lewis	Maresh	Marvel
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Schmit	Stoney		

Voting in the negative, 19:

Barnett	Boughn	Brennan	Carsten	Duis
Fitzgerald	Fowler	Keyes	Koch	Luedtke
Marsh	Maxey	Newell	Reutzel	Rumery
Savage	Simon	Swigart	Warner	

Present and not voting, 5:

Chambers	George	Goodrich	Kremer	Venditte

Excused and not voting, 2:

Cullan	F. Lewis

The amendment lost with 23 ayes, 19 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Keyes announced the Revenue Committee will meet in executive session at 2:45 p.m. today in the West Lounge.

Mr. Rasmussen offered the following amendment:
Page 7 Line 11-14 restore stricken language
Line 14-19 strike new language from

The amendment lost with 16 ayes, 21 nays, 10 present and not voting, and 2 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 12, 1977, at 2:15 p.m., were the following bills: 498, 208, 305, 305A, 345, 467, and 484.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT—Member Excused

Mr. Merz asked unanimous consent to be excused at 10:30 a.m. on Wednesday, April 13, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Speaker Luedtke asked unanimous consent to print the following in the Journal. No objections. So ordered.

Volumes 4 and 5 of the Nebraska statutes have been reissued and the State Law Library has started distribution thereof. In order to reduce the possibility of error and eliminate possible confusion, for the balance of the current session reference in all bills and amendments will continue to be made to the 1976 Supplement for those sections which appear in both the Supplement and the 1977 Reissue of Volumes 4 and 5.

(Signed) Emory Burnett
E & R Attorney

STANDING COMMITTEE REPORT
Agriculture and Environment

LEGISLATIVE BILL 182. Placed on General File as amended.
Standing Committee amendments to LB 182:

1. Strike sections 1 to 3 and insert new sections as follows:

"Section 1. The Legislature finds that the use of disposal sites and baled refuse as a method of waste disposal is important to all Nebraskans. The purpose of this act is to allow and control the use of baled refuse and disposal sites for the protection of public health and the environment.

Sec. 2. As used in this act, unless the context otherwise requires:

(1) Baled refuse shall mean garbage, rubbish, and other discarded solid or semisolid materials which are compacted by a compacting machine for the purpose of being disposed of at a balefill sight; and

(2) Disposal site shall mean dumps, dump sites,

landfills, and landfill sites.

Sec. 3. Nothing in this act shall be interpreted as prohibiting the use of dirt, stone, brick, or some inorganic material for landfill, landscaping, evacuation, or grading.

Sec. 4. City shall mean any city of the metropolitan, primary and first class.

Sec. 5. After the effective date of this act, the following criteria shall be analyzed and considered prior to the construction and establishment by a city of any disposal site.

(1) Current and projected use of water resources in the potential zone of influence of the disposal site;

(2) Groundwater elevation and proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation;

(3) Potential interrelationship of the disposal site, local aquifers, and surface waters based on historical records or other sources of information;

(4) Background and initial quality of water resources in the potential zone of influence of the disposal site;

(5) Proposed location and design of observation wells, sampling stations, and testing program planned;

(6) Description of soil and bedrock to a depth adequate to allow evaluation of the water quality protection provided by the soil and bedrock;

(7) Provisions for surface water runoff control to minimize infiltration and erosion of cover material; and

(8) Potential of leachate generation and proposed control systems, where necessary, for the protection of ground and surface water resources. Where a leachate treatment system is designed to have a discharge to the waters of this state, the plans for the leachate treatment system must be submitted to the Department of Environmental Control for review and approval. Any required discharge permits must be obtained from the Department of Environmental Control. An operation and maintenance program including the administration and financing of the leachate treatment system during and following the disposal operation shall be provided to the Department of Environmental Control.

Sec. 6. (1) Surface water courses and runoff shall be diverted from the disposal site, especially from the working face, by devises such as trenches, conduits, and proper grading. The disposal site shall be constructed and graded so as to promote rapid surface

water runoff without excessive erosion. Regrading shall be done as required during construction and after completion to avoid ponding of precipitation and to maintain cover material integrity. On-site drainage structures and channels should be designed for at least twenty-year rainfall frequency.

(2) Leachate collection and treatment systems are to be used where necessary to protect ground and surface water resources. This shall apply for as long a period as necessary during the following the active operation.

(3) Ground or surface water, except precipitation falling directly on the working face, shall not be allowed to come in contact with solid wastes so as to impair the water's use.

Sec. 7. A disposal site shall be located at least one thousand feet from the nearest edge of the right-of-way of any state, interstate, or federal highway at the time of commencement of construction of the facility, unless the working area is screened by natural objects, plantings, fences, or other appropriate means, as to not be visable from such highway.

Sec. 8. The design, construction, and operation of the disposal site shall minimize environmental hazards and shall conform to applicable ambient air quality and source control regulations.

Sec. 9. The operation of a disposal site shall include an effective dust control program.

Sec. 10. The operation of a disposal site shall include effective noise control and odor control programs.

Sec. 11. The operation of a disposal site shall include programs and plans for the control of rodents. Such programs and plans shall be implemented when necessary to control rodents.

Sec. 12. Open burning of solid waste shall be prohibited unless a variance or exception is obtained from the Department of Environmental Control permitting the open burning of tree trunks, tree limbs, vegetation, and untreated waste lumber. In areas operating under exemption certificates from the Department of Environmental Control, approval shall be obtained from the local pollution control agency. The operating procedures and location for such open burning practices must be submitted to the Department of Environmental Control for review and written approval.

Sec. 13. Decomposition gases generated within the disposal site shall be controlled on-site, as necessary, to avoid posing a hazard to occupants of

adjacent property.

Sec. 14. Plans for the construction of a disposal site shall assess the need for gas control and indicate the location and design of any vents, barriers, or other control measures to be provided.

Sec. 15. (1) Decomposition gases shall not be allowed to migrate laterally from the disposal site to endanger occupants of adjacent properties. They shall be vented to the atmosphere directly through the cover material, cut-off trenches, or ventilation systems, in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures.

(2) Decomposition gases shall not be allowed to concentrate in a manner that will pose an explosion or toxicity hazard.

Sec. 16. The disposal site shall be designed and operated at all times so as to not constitute a nuisance.

Sec. 17. (1) Portable litter fences or other devices shall be used in the immediate vicinity of the working face and at other appropriate locations to control blowing litter. At the end of each operating day, or more often as required, litter shall be removed from the fences and the grounds and incorporated into the area being used. Alternatively, the litter may be containerized for disposal on the next operating day.

(2) Wastes that are easily moved by wind shall be covered, as necessary, to prevent their becoming airborne and scattered.

(3) On-site vegetation should be cleared only as necessary to conduct an efficient operation and to comply with this act and applicable rules and regulations. Natural windbreaks, such as green belts, should be maintained where they will improve the appearance and operation of the disposal site.

(4) Salvage operations shall be conducted in such a manner as to not detract from the appearance of the disposal site. Salvaged materials shall be removed from the disposal site daily or stored in containers or enclosures which shall be kept in good repair.

Sec. 18. Plans for the construction of a disposal site shall include specifications as to surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration. Final side slopes of actual fill areas shall not exceed thirty-three and one-third per cent, unless terraced and planted to prevent erosion.

Sec. 19. In the event the Director of the Department of Environmental Control determines that any provision of this act or any standard, rule, regulation, final order or approved plan promulgated pursuant thereto is being, was, or is in imminent danger of being violated, the director may institute a civil action in any court of competent jurisdiction for injunctive relief to prevent any such violation or further violation and for the assessment of a penalty not to exceed one thousand dollars per day for each day, or part thereof, the violation occurred and continues to occur, or both, as the court deems proper. No injunction shall be granted where such injunction is likely to result in a greater environmental or health hazard. Suit can be brought in any county where the defendant's principal place of business is located or where the violation occurred.

Sec. 20. In addition to the procedures provided by section 19 of this act, an individual may bring an action for injunctive relief and damages against the operation of a disposal site.

Sec. 21. Any disposal site in operation as of the effective date of this act which does not comply with the provisions of this act shall have six months from the date of notice of such lack of compliance to comply with such provisions.

Sec. 22. Since an emergency exists, this act shall be in full force and effect, from and after its passage and approval, according to law.".

(Signed) Loran Schmit, Chairman

MR. MARVEL PRESIDING

UNANIMOUS CONSENT—Member Excused

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 50. Considered.

LR 50 was adopted with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 48. Laid over at the request of Mr. Merz.

LEGISLATIVE RESOLUTION 52. Read and Considered.

LR 52 was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

MOTION–Place LB 62 on General File

Mr. Chambers renewed his pending motion found in the Journal on page 1207 to place LB 62 on General File in accordance with Rule 3, Sec. 10.

Mr. Chambers moved for a Call of the House. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mr. Chambers requested a roll call vote on his motion to place LB 62 on General File.

Voting in the affirmative, 22:

Barnett	Bereuter	Brennan	Burrows	Cope
DeCamp	Duis	Dworak	Fowler	Kahle
Kelly	Keyes	Luedtke	Marsh	Marvel
Maxey	Merz	Newell	Reutzel	Schmit
Simon	Venditte			

Voting in the negative, 21:

Boughn	Carsten	Chambers	Clark	Fitzgerald
Hasebroock	Hefner	Koch	Labedz	Lamb
R. Lewis	Maresh	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Stoney	Swigart
Warner				

Present and not voting, 3:

George	Goodrich	Kremer

Excused and not voting, 3:

Cullan	F. Lewis	Mills

The motion lost with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

LB 62 stands indefinitely postponed.

MOTION–Reconsider Action on LB 62

Mr. Chambers moved to reconsider action on LB 62 to place on General File and have the motion laid over.

The Chair ruled the motion in order.

Mr. Stoney challenged the ruling of the Chair.

Mr. Stoney withdrew his challenge.

Mr. Barnett moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

UNANIMOUS CONSENT–Print Amendment to LB 33

Mr. DeCamp asked unanimous consent to print the following amendment to LB 33 in the Journal. No objections. So ordered.

AMENDMENT TO LB 33

1. On page 7, line 4, after "fines" insert "including parking meter fines whether received by the district or not".

UNANIMOUS CONSENT–Print Amendment to LB 64

Mr. Simon asked unanimous consent to print the following amendment to LB 64 in the Journal. No objections. So ordered.

AMENDMENT TO LB 64

1. In lieu of Simon amendment, on page 3, line 26 strike "during life" and show as stricken and insert "for not less than thirty years nor more than ninety years for each count which must be served consecutively. The laws affecting both eligibility for release on parole and the date when an inmate's discharge from the custody of the state becomes mandatory pursuant to sections 83-1,107 and 83-1,107.01 shall not apply to reduce the sentence of a person convicted of first degree murder to less than thirty years, but shall otherwise be applicable".

MR. BARNETT PRESIDING

MOTION–Suspend Rules

Mr. Warner moved to suspend Rule 5 to introduce 4 appropriations bills in one vote. (Req. Nos. 847, 848, 857, and 858).

The motion prevailed with 31 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 530. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Marsh, 29th District; Savage, 10th District; Hasebroock, 18th District; Rumery, 42nd District; Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; to recite limitations on expenditures; and to declare an emergency.

LEGISLATIVE BILL 531. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Marsh, 29th District; Savage, 10th District; Hasebroock, 18th District; Rumery, 42nd District; Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; to recite limitations on expenditures; and to declare an emergency.

LEGISLATIVE BILL 532. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Marsh, 29th District; Savage, 10th District; Hasebroock, 18th District; Rumery, 42nd District; Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

LEGISLATIVE BILL 533. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Savage, 10th District; Marsh, 29th District; Hasebroock, 18th District; Rumery, 42nd District; Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
530	General File
531	General File
532	General File
533	General File

(Signed) Marvel, Chairman; Luedtke, Fowler, Bereuter, Stoney, R. Lewis, Nichol, Savage.

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet under the North balcony at 4:30 p.m. today.

CORRECTED STANDING COMMITTEE REPORT
Banking Commerce and Insurance

LEGISLATIVE BILL 209. Placed on General File as amended.
Standing Committee amendments to LB 209:

1. On page 2, line 8, insert "sickness and" after "of", and strike ", health,"; and strike beginning with "This" in line 9 through the period in line 13.

2. On page 3, line 3, strike the period and insert "; or"; and insert a new subdivision (5) as follows:

"(5) Such other courses as the Director of Insurance may approve.".

3. On page 3, strike section 4 and insert three new sections as follows:

"Sec. 4. All agents licensed to sell life insurance and sickness and accident insurance, on or after the effective date of this act, shall have five years to comply with the educational requirements contained herein.

Sec. 5. No such requirements shall be required of:

(1) Any agent who is a current holder of a valid outstanding resident agent's license and has held an agent's license since January 1, 1972;

(2) Any ticket-selling agent of a common carrier who acts thereunder only with reference to the issuance of accident insurance, or insurance on personal effects carried as baggage, in connection with the transportation provided by such common carrier, or applicants selling limited travel accident insurance in transportation terminals;

(3) Home office or branch office employees of insurers, or service representatives of insurers or of general

agents who work with or through resident agents in the solicitation, negotiation or effectuation of insurance, and who are compensated by salary only;

(4) Any persons involved in insurance solicitation solely through enrollment of individuals under a group insurance policy;

(5) Any applicant who solicits, negotiates or procures credit life, credit accident and health or other tangible personal property insurance other than automobile insurance coverages in connection with a loan or a retail time sales transaction;

(6) Any applicant whose application complies with the requirements of section 44-333.04 or 44-333.05, Reissue Revised Statutes of Nebraska, 1943; or

(7) Any agent of a hospital service corporation licensed under section 21-1513, Reissue Revised Statutes of Nebraska, 1943.

Sec. 6. Any agent previously licensed to sell life insurance and sickness and accident insurance, under the laws of the State of Nebraska, whose license has expired and is not in effect on the effective date of this act, shall comply with the educational requirements provided by this act.".

4. Renumber original sections 5 and 6 as sections 7 and 8, respectively.

(Signed) John W. DeCamp, Chairman

UNANIMOUS CONSENT–Unbracket LB 274

Mr. Kelly asked unanimous consent to unbracket LB 274 on Final Reading. No objections. So ordered.

UNANIMOUS CONSENT–Print Amendment to LB 38

Mr. Koch asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

Amend LB 38, Article 12

1. On page 192 lines 2 and 6 after "weapon" insert ", whether visible or concealed,"; in line 10 strike "III" and insert "IV".

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 81. Mr. Rasmussen offered the following amendment:

Line 10 page 4 strike for any reason add a 2nd permit for the same family may be purchased for $1 to be used on their 2nd vehicle.

Mr. Rasmussen moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Rasmussen requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barnett	Boughn	Burrows	Clark	Duis
Dworak	George	Kelly	Koch	Kremer
Lamb	R. Lewis	Maresh	Maxey	Moylan
Murphy	Nichol	Rasmussen	Swigart	

Voting in the negative, 25:

Bereuter	Brennan	Carsten	Cope	DeCamp
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Labedz	Luedtke	Marsh
Marvel	Merz	Newell	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Warner

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Cullan	F. Lewis	Mills	Venditte

The amendment lost with 19 ayes, 25 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Laid over.

VISITORS

The President introduced 60 grade school students and teacher from Fremont, Nebraska.

ADJOURNMENT

At 4:34 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, April 13, 1977.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume II

EIGHTY–FIFTH LEGISLATURE
FIRST SESSION

CONVENED JANUARY 5, 1977 ADJOURNED JUNE 1, 1977

LINCOLN, NEBRASKA

Compiled
Under Authority of the Legislature
by
Vincent D. Brown, Clerk

SIXTY-FIRST DAY—APRIL 13, 1977

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY—APRIL 13, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 13, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we ask You for the ability to be sensitive to Your teaching. Adjust our ears to Your word so that our hearts may be adjusted to Your will.
>
> Help us pray together so that when Your will is known, we may do it together; that when crises occur we may face them together.
>
> Nourish us with Your Spirit poured out for all of us; feed us with the Bread of Life; strengthen us with the power that makes us Your children. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Luedtke who was excused; Messrs. Boughn, Simon, and Swigart who were excused until they arrive; and Mr. Newell who was absent until 9:25 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1339, line 7, after "interim" insert: "between the legislative sessions does not violate Article III".
Page 1340, line 13, correct spelling of "Responsibility".
The Journal for the Sixtieth Day was approved as corrected.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 86, 283, 324, 353, 511, 513, 514, LR 46, LR 50, LR 52, and LR 53.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT–Bracket LB 273

Mr. F. Lewis asked unanimous consent to bracket LB 273 until Monday, April 18, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Withdraw Amendment on LB 274

Mr. Kelly asked unanimous consent to withdraw his pending amendment to LB 274 found in the Journal on page 1317. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 274.

A BILL FOR AN ACT to amend sections 19-3403, 19-3404, and 19-3406, Reissue Revised Statutes of Nebraska, 1943, relating to downtown improvement and parking districts; to include cities of the primary class; to provide for the disposition of certain fines; to provide that general business license or occupation taxes may be used to enforce on-street parking regulations within districts; 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	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Rasmussen	Reutzel
Rumery	Schmit	Stoney	Venditte	Warner

Voting in the negative, 2:

DeCamp Duis

Present and not voting, 2:

Nichol Savage

Absent and not voting, 1:

Newell

Excused and not voting, 4:

Boughn Luedtke Simon Swigart

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 "Aye" on LB 274.

(Signed) John S. Savage

ATTORNEY GENERAL'S OPINION

Opinion No. 70
April 12, 1977

Dear Senator Goodrich:

You have raised questions relating to the duties of the county assessors in Nebraska to aid in consideration of legislation. You ask, may a county assessor reassess portions of the county in one year without assessing the entire county? In this connection, you state that some county assessors are taking the position that they may assess parts of the county each year. As an example, a particular economic area might be identified and revalued. Separate economic areas would be assessed over a period of several years. The entire county would eventually be reassessed. However, the values for the areas reassessed would be placed in effect during the year assessed while other tracts not assessed in that year would remain at the old value.

Article VIII, Section 1, of the Constitution in part provides:

> "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Taxes shall be levied by valuation uniformly and proportionately upon all tangible property and franchises,... ."

This provision requires that taxes on all property be levied upon a valuation which is uniform. This would, of necessity, require that property within a county assessed by the county assessor be valued uniformly and proportionately with other similar property in the county. We believe that it is appropriate to take notice of the fact that property values by and large are not static. Certainly, the last few years have seen a large increase in the value of real estate throughout the state. To establish an actual value for a portion of the real estate in one county as of the required date each year would very likely result in nonuniform values for such property in comparison with other similar property. If similar property is not valued uniformly in a partial reassessment, the partial assessment would be in violation of the provisions of Article VIII, Section 1, of the Constitution.

The duties of the county assessor are spelled out primarily in Chapter 77, article 13. Section 77-1301, R.R.S. 1943, provides:

> "(1) All real property in this state subject to taxation shall be assessed as of January 1 at 12:01 a.m. of each year, which assessment shall be used as a basis of valuation for taxation until the next regular assessment.
>
> "(2) Reappraisals of all lands and improvements shall be made for the entire county in the manner provided in sections 77-1301.01 to 77-1301.04."

In general, these statutes authorize the Tax Commissioner to approve contracts with reappraisal firms for the complete reappraisal of counties. Section 77-1303, R.R.S. 1943, provides in pertinent part:

> "On or before January 1 at 12:01 a.m. of each year the county assessor . . . shall make up . . . a list of the taxable lands and lots in his county. . . . Such books . . . shall contain columns in which may be shown the number of acres or lots and the value thereof, the improvements and the value thereof, the total value, the assessed value, and such other columns as may be required."

Thus, it can be seen that the statutes contemplate an annual assessment of values for real estate within the counties. We find no statute, case, or part of the Constitution which specifies that values shall be updated for portions of a county. All statutes require uniform and proportionate valuation.

In answer to your question, it is our opinion that the statutes require the county assessor to uniformly and proportionately assess property. To the extent that a partial reassessment of county real estate would violate this statutory duty, such a procedure would violate both the statutes governing the assessment function and the constitutional command.

Your next question has been substantially answered by the comments made above. However, you ask, is there a justification for partial

assessment? Assuming, but not conceding, that an assessor can show that he is achieving uniform and proportionate valuations by revaluing portions less than the entire county, he would be able to justify such a procedure. We find it very difficult to concede that such a case could be made.

Unless the county was not uniformly and proportionately valued in the most recent complete reevaluation, a partial valuation must of necessity result in nonuniform and nonproportional values. The property revalued and the property not revalued would not be uniform, thus resulting in a situation where a lack of equalization has occurred. While this is not absolutely true in an increasing or decreasing market, establishing values of similar property at different times most likely will result in different value for the properties.

However, at this point, the burden is cast upon the board of equalization, as well as the individual taxpayers. The values presented to the county board are subject to attack in equalization proceedings by the individual taxpayers. Presuming that taxpayers are able to show a lack of uniformity between their property which has been revalued and other property within the county which has not been revalued, it would be the duty and responsibility of the board of equalization to adjust those values to achieve uniformity and proportionality of values. Thus, while an assessor acting in a manner as you suggest, may be creating a situation in which unequal taxation may result, there is a safety valve available by invoking the jurisdiction of the county board of equalization.

In sum, our opinion is that any system which is likely to result in unequal assessment of property is defective. A system of establishing new values annually for only a part of a county is very likely to be defective. Such a system would be likely to err in considering value in relation to parts of the county not revalued.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. Keyes asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

Section 3, on page 3, line 22, strike: "Effective January 1, 1978," and insert "For the fiscal year 1978-1979."

Section 4, page 4, line 6 strike "(2)" and insert "(3)"
Section 5, page 4, line 7 strike "Effective January 1, 1979," and insert "For the fiscal year 1979-1980."
Section 6, page 4, line 17 strike "(3)" and insert "(2)".
Section 7, page 4, line 18 strike "January 1, 1980, and each" and insert "with fiscal year 1980-81 and each fiscal"

UNANIMOUS CONSENT–Print Amendment to LB 38

Mr. Barnett asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

Amendment to LB 38
Ariticle 13

1. On page 226 and 227, strike Sec. 313.

UNANIMOUS CONSENT–Print Amendment to LB 38

Mr. Barnett asked unanimous consent to print the following amendment to LB 38, Article 13. No objections. So ordered.

2. On page 227, line 24, strike "V" and insert "IV".

UNANIMOUS CONSENT–Member Excused

Mr. Newell asked unanimous consent to be excused this afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Murphy offered the following amendment to Article 12:

ARTICLE 12

To amend LB 38, Sec. 260, page 192, line 4, after "state" add "shall be committed to a penal institution for a period of not less than five years"

Mr. Koch moved to amend the Murphy amendment with his amendment found in the Journal on page 1369.

Mr. Murphy asked unanimous consent to lay over his amendment. No objections. So ordered.

Mr. Barnett renewed his pending amendments found in the Journal on page 1244 to Article 12.

The amendments were adopted with 26 ayes, 1 nay, 20 present and not voting, and 2 excused and not voting.

Laid over.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 33. Considered

Mr. DeCamp renewed his pending amendment found in the Journal on page 1366.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Dworak requested a record vote on the DeCamp amendment.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Mr. DeCamp requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Bereuter	Burrows	Carsten	Chambers	Clark
Cullan	DeCamp	Duis	Dworak	Hasebroock
Hefner	Kahle	Kelly	Kremer	Lamb
R. Lewis	Maresh	Marvel	Mills	Murphy
Nichol	Rasmussen	Rumery	Schmit	Venditte

Voting in the negative, 21:

Barnett	Boughn	Brennan	Cope	Fitzgerald
Fowler	George	Goodrich	Keyes	Koch
Labedz	F. Lewis	Marsh	Maxey	Moylan
Newell	Reutzel	Savage	Simon	Stoney
Warner				

Excused and not voting, 3:

Luedtke	Merz	Swigart

The amendment was adopted with 25 ayes, 21 nays, and 3 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Murphy offered the following amendment:

Strike section 79-4,102 (2) and insert a new subsection to read as follows: (2) The high school tuition rate for nonresident pupils shall be determined annually by the receiving district on a uniform basis for all pupils but such rate shall in no event be less than the average per pupil cost nor more than one and two tenths times the per pupil cost for the preceding school year determined as provided in subsection (3) of section 79-486. The superintendent of the receiving school shall certify such rate to the county superintendent on or before the second Monday in July of each year.

Mr. Cullan offered the following amendment to the Murphy amendment:
line 6, strike and two tenths and insert "and one-half."

Amendments pending. Laid over.

UNANIMOUS CONSENT—Print Amendments to LB 257

Mr. Bereuter asked unanimous consent to print the following amendments to LB 257 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 257

1. In lieu of the Bereuter amendment, the F. Lewis amendment as amended by the Dworak and Burrows amendments, and the E & R amendment 1, on page 2, line 25 strike "and"; on page 3, line 1 strike the period and insert a semicolon, and after line 1 insert: "and

(6) Department of Economic Development created by section 81-1201, Reissue Revised Statutes of Nebraska, 1943."; on page 3, line 11, strike "and"; in line 14 strike the period and insert a semicolon, and after line 14 insert:

"(5) State Office of Planning and Programming created by section 84-133, Reissue Revised Statutes of Nebraska, 1943;

(6) Department of Revenue created by section 77-340, Reissue Revised Statutes of Nebraska, 1943; and

(7) Department of Administrative Services created by section 81-1103, Reissue Revised Statutes of Nebraska, 1943.".

RESOLUTION

LEGISLATIVE RESOLUTION 54.

Introduced by Kahle, 37th District; Cope, 36th District.

WHEREAS, the abandoned Chicago, Burlington and Quincy Railroad right-of-way which runs from the north right-of-way of Interstate 80 to the south boundary of the Kearney County State Recreation Area has great potential for a bike-hike trail and related recreational activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor and when funds are available for that purpose; and

WHEREAS, in the interest of promoting recreational opportunities for Nebraskans and preserving lands of potential historical importance, the Nebraska Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such abandoned railroad right-of-way.

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

1. That the Legislature approves the acquisition by the Game and Parks Commission of all or any part of that real estate of the abandoned Chicago, Burlington and Quincy Railroad right-of-way which is located in and across land legally described as follows:

(a) A small tract of land located in lot 1 of section 10, township 8 north, range 15 west of the 6th principal meridian in Buffalo County, Nebraska, more particularly described as follows: Referring to the northeast corner of said section 10; thence southerly on the east line of said section 10 a distance of 1541.35 feet to a 3/4 inch iron pipe at the place of beginning; thence continuing southerly on said east line a distance of 66.25 feet to a point on the north boundary line of I-80; thence southwesterly at an angle of 102 degrees 30 minutes a distance of 893.8 feet on the north boundary line of I-80 to a point on the easterly right-of-way line of the Chicago, Burlington and Quincy Railroad; thence northwesterly at an angle of 94 degrees 47 minutes a distance of 66.2 feet to a 3/4 inch iron pipe; thence northeasterly parallel to the north line of I-80 at an angle of 85 degrees 13 minutes a distance of 913.75 feet to the place of beginning, containing 1.374 acres, more or less;

(b) Lot 2, being the part of the northwest quarter of the northwest quarter of section 23, township 8 north, range 15 west of the 6th principal meridian, Kearney County, Nebraska, lying south of the Platte River; and

(c) That right-of-way between the land described in subdivisions (a) and (b) of this section crossing sections 10, 14, and 15, township 8 north, range 15 west of the 6th principal meridian.

2. That the Legislature approves the acceptance of such property by the Game and Parks Commission as a gift in the event that this method of acquisition is made available.

3. That such approval is granted with the understanding that the land described shall be designated and utilized as a portion of the Kearney County State Recreation Area.

Mr. Kahle moved to suspend Rule 4, Sec. 6 and consider LR 54 today.

The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Mr. Bereuter moved to refer LR 54 to the Constitutional Revision and Recreation Committee for a public hearing.

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

The Bereuter motion to refer LR 54 to committee lost with 13 ayes, 20 nays, 13 present and not voting, and 3 excused and not voting.

MR. MARVEL PRESIDING

Mr. Kahle asked unanimous consent to bracket LR 54 until April 15, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments to LB 7

Mr. Warner asked unanimous consent to print the following amendments to LB 7 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 7

1. Strike the original sections and insert the following:

"Section 1. That section 79-2651, Revised Statutes Supplement, 1976, as amended by section 12, Legislative Bill 459, Eighty-fifth Legislature, First Session, 1977, be amended to read as follows:

79-2651. The Legislature, in an effort to promote quality postsecondary education and to avoid excessive taxation upon the taxable property of each area, may appropriate each year from such funds as may be available an amount for the aid and assistance of the technical community colleges. Such funds so appropriated by the Legislature shall be distributed by the Department of Administrative Services in twelve as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning July, 1976, through June, 1977, and in ten as nearly as possible equal

monthly payments between the fifth and twentieth day of each month beginning September, 1977, and each September thereafter. Such funds shall be distributed to the technical community colleges in the same proportion as the full-time equivalent student enrollment total for each college for the immediately preceding fiscal year is to the full-time equivalent enrollment total of all technical community colleges combined for such fiscal year.

Sec. 2. That original section 79-2651, Revised Statutes Supplement, 1976, as amended by section 12, Legislative Bill 459, Eighty-fifth Legislature, First Session, 1977, is repealed.

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 through 6 and insert:

"FOR AN ACT to amend section 79-2651, Revised Statutes Supplement, 1976, as amended by section 12, Legislative Bill 459, Eighty-fifth Legislature, First Session, 1977, relating to the technical community colleges; to provide for the distribution of funds as prescribed; to repeal the original section; and to declare an emergency.".

BILL ON FIRST READING

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

LEGISLATIVE BILL 38A. By Barnett, 26th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 38, Eighty-fifth Legislature, First Session, 1977.

MOTIONS—Introduce Bills

Mr. DeCamp moved the introduction of a new bill by the Committee on Banking, Commerce and Insurance. (Req. No. 827)

The motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Maresh moved the introduction of a new bill by the Committee on Business and Labor. (Req. No. 836)

The motion prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 534. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Mills, 44th District; Labedz, 5th District; Merz, 1st District; Schmit, 23rd District.

A BILL FOR AN ACT to amend section 39-1320.06, Revised Statutes Supplement, 1976, relating to outdoor advertising; to define terms; to provide procedures for retention of certain signs; and to repeal the original section, and also section 39-618.03, Revised Statutes Supplement, 1976.

LEGISLATIVE BILL 535. By Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; F. Lewis, 45th District; Rasmussen, 41st District; Fitzgerald, 14th District; Murphy, 17th District; Brennan, 9th District.

A BILL FOR AN ACT to amend sections 48-503 to 48-508, 48-510 to 48-513, 48-515, 48-516, 48-518 to 48-521, 48-523, and 48-524, Reissue Revised Statutes of Nebraska, 1943, relating to employment agencies; to define terms; to change fees; to change bonding requirements; to repeal the original sections, and also sections 48-501, 48-502, and 48-522, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

SELECT FILE

LEGISLATIVE BILL 45. E & R amendments found in the Journal on page 1257 for the Fifty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 303. E & R amendment found in the Journal on page 1323 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228. E & R amendment found in the Journal on page 1323 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 430. E & R amendments found in the Journal on page 1323 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 201. E & R amendments found in the Journal on page 1323 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 503A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 512A. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 515A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 486A. E & R amendment found in the Journal on page 1324 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 483. Laid over at the request of Mr. George.

LEGISLATIVE BILL 398. Laid over at the request of Mr. Newell.

LEGISLATIVE BILL 61. E & R amendment found in the Journal on page 1325 for the Sixtieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 196. E & R amendments found in the Journal on page 1324 for the Sixtieth Day were adopted.

Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Hasebroock announced the Nebraska Retirement Systems Committee will meet in executive session at 12:30 p.m. today in Room 1019.

VISITORS

The President introduced 25 Jr. High students and teacher from Hastings; 3 high school students and teacher from Amherst; 96 Jr. high students from Gretna and sponsors; 32 seniors and teacher from Clay Center; 129 11th grade students and teachers from Omaha Central Government Class; 60 4th grade students and teacher from Meadow Lane School, Lincoln; 30 junior and senior students and teacher from Cathedral High, Omaha; 60 4th grade students and teacher from Meadow Lane School, Lincoln; 45

11th grade students and teacher from Central High School, Omaha; 20 senior high students from Omaha Central and teacher; 28 junior and senior high students and teacher from Norris High School, Lancaster County.

RECESS

At 11:58 a.m., on a motion by Mr. Savage, 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 Mr. Luedtke who was excused; Messrs. Boughn, and Nichol who were excused until they arrive; Mr. Marvel who was excused until 2:30 p.m.; Mr. R. Lewis who was absent until 2:45 p.m.; and Mr. Schmit who was absent.

STANDING COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 192. Placed on General File.
LEGISLATIVE BILL 518. Placed on General File.

(Signed) Orval Keyes, Chairman

Public Works

LEGISLATIVE BILL 405. Placed on General File.

(Signed) Maurice A. Kremer, Chairman

SELECT FILE

LEGISLATIVE BILL 366. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 91. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 510. Laid over at the request of Mr. Murphy.

LEGISLATIVE BILL 232. E & R amendments found in the Journal on page 1324 for the Sixtieth Day were adopted.

Mr. Fowler asked unanimous consent to bracket LB 232 until Tuesday, April 19, 1977. No objections. So ordered.

ATTORNEY GENERAL'S OPINION

Opinion No. 71
April 12, 1977

Dear Senator Chambers:

Official Opinion of the Attorney General No. 65, dated April 8, 1977, was a letter addressed to you and concerned the effect of the "good time" laws of the State of Nebraska. In that letter we discussed whether or not the proposal made by you to create a sentence of forty-five years with no possibility of parole until at least two-thirds of that sentence had been served would guarantee that that person was not paroled before thirty years. It was our conclusion that a proposal of the nature you suggested would be constitutional and would guarantee that a person would not be paroled before the expiration of thirty years. In reviewing that opinion, we have discovered a possible need for further clarification.

The point that may need clarification relates to the effect of the "good time" statutes on an offender's mandatory discharge computations. Under your proposal wherein an offender would be sentenced to a term of at least forty-five years with no possibility for parole until at least two-thirds of that sentenced had been served it would, of course, be impossible for a person to be paroled until after he had served thirty years. However, your proposal, if it did not eliminate the "good time" deductions relating to the computation of an offender's mandatory discharge, it could nevertheless result in an offender being released on a mandatory discharge prior to the expiration of thirty years. This is so because the "good time" provisions of the statutes mentioned above have a twofold purpose; one results in a date upon which the offender is eligible for parole and the second results in a date when the offender is to be mandatorily discharged from the custody of the state. While your provision would eliminate the possibility of parole until at least two-thirds of the sentence had been served, it would not, without further amendments, eliminate the possiblity (sic) that an offender's maximum term could be reduced to less than the desired thirty year term.

As we discussed in our April 8, 1977, letter to you, an offender who receives a flat thirty year sentence with no provisions for parole would nevertheless be eligible for mandatory discharge before the expiration of his maximum term unless provisions were made which would also eliminate the deductions from an offender's term to determine his mandatory discharge from the custody of the state.

To sum up the above, it is sufficient to say that if it is the intent and desire of the Legislature to guarantee that an offender serve a minimum of thirty years upon conviction for first degree murder, they must completely

eliminate the effect of the "good time" provisions of both sections 83-1,107 and 83-1,107.01, R.S.Supp., 1976, on convicted first degree murderers.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Adjournment

Mr. Reutzel moved to adjourn until 9:00 a.m. The motion lost with 8 ayes, 18 nays, and 23 not voting.

MOTION–Return LB 45 to Select File

Mr. Mills moved to return LB 45 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Mills moved for a Call of the House. The motion prevailed with 21 ayes, 6 nays, and 22 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 19:

Barnett	Chambers	Clark	Cullan	DeCamp
Duis	Dworak	Fowler	Goodrich	Hasebroock
Koch	Kremer	Maresh	Marsh	Merz
Mills	Moylan	Rumery	Savage	

Voting in the negative, 22:

Bereuter	Brennan	Burrows	Carsten	Cope
Fitzgerald	George	Hefner	Kahle	Kelly
Labedz	Lamb	Marvel	Maxey	Murphy
Rasmussen	Reutzel	Simon	Stoney	Swigart
Venditte	Warner			

Present and not voting, 3:

Keyes F. Lewis Nichol

Absent and not voting, 2:

R. Lewis Schmit

Excused and not voting, 3:

Boughn Luedtke Newell

The motion lost with 19 ayes, 22 nays, 3 present and not voting, 2 absent and not voting, and 3 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

MOTION--Return LB 196 to Select File

Mr. Simon moved to return LB 196 to Select File for the specific amendment found in the Journal on page 1317.

Mr. Simon moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to return LB 196 prevailed with 27 ayes, 9 nays, 9 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. Dworak asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 196. The Simon specific amendment found in the Journal on page 1317 was adopted with 26 ayes, 5 nays, 13 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Mr. Murphy asked unanimous consent to be excused. No objections. So ordered.

Mr. Cullan requested a machine vote to advance LB 196.

Mr. Simon moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Advanced to E & R for Engrossment with 25 ayes, 12 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

MR. MARVEL PRESIDING

UNANIMOUS CONSENT–Print Amendments to LB 457

Mr. Koch asked unanimous consent to print the following amendments to LB 457 in the Journal. No objections. So ordered.

Amendments to LB 457

1. On page 2, line 20, after "ballot" insert ", but shall be elected by the qualified electors of the entire school district at the general election".

2. Insert a new section to read:

"Sec. 2. That section 79-1003, Revised Statutes Supplement, 1976, be amended to read as follows:

79-1003. The board of education of a fifth class school district shall consist of twelve members. The election commissioner of the county in which the greater part of such district is situated shall divide the school district into twelve numbered districts of compact and contiguous territory and of as nearly equal population as may be practical. A member of the board shall be elected from each such district. Each member of the board of education shall be a taxpayer in and a resident of the district of such school district as designated by the election commissioner. At each general election six members of the board shall be elected to serve for four years from and including the first Monday of the January following their election, or until their successors are elected and qualified. All persons elected as members of the board of education shall, before the first Monday in January following their election, take and subscribe to the usual oath of office. In case any person so elected shall fail so to do, his election shall be void, and the vacancy thereby occasioned shall be filled by the board. Candidates shall be nominated at the primary election upon a nonpolitical ballot, but shall be elected by the qualified electors of the entire school district at the general election. The names of the two candidates receiving the highest number of votes at such primary election in each district designated by the election commissioner shall be placed upon the official ballot for the board of education at the general election. For the

general board of education election, the ballot shall be prepared in substantially the same form and the names rotated as is provided for election of other nonpolitical candidates, and the person receiving the highest number of votes in each district designated by the election commissioner shall be elected to the board of education. Any person who shall be a candidate at the primary election shall, at least sixty days prior to the primary, file with the officer authorized to conduct such election a statement of candidacy setting out his qualifications and willingness to abide by the election, such statement to be subscribed and sworn to before a notary or other person qualified to take oaths. There shall be no filing fee or any other requirement than the statement above provided for to enable qualified electors to become candidates for the board of education. Members of the board of education on January 1, 1976 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 shall adjust the boundaries of such districts to conform to changes in the territory of the school district and following each federal decennial census.

Sec. 3. That original section 79-1003, Revised Statutes Supplement, 1976, is repealed.".

GENERAL FILE

LEGISLATIVE BILL 93. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 8 nays, 10 present and not voting, 1 absent and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 472. Title read. Considered.

Mr. Mills renewed his pending amendment found in the Journal on page 855.

Mr. Mills moved for a Call of the House. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Mills moved the Call be raised. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Mills amendment was adopted with 25 ayes, 15 nays, 4 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 290. Title read. Considered.

Standing Committee amendment found in the Journal on page 569 for the Twenty-Ninth Day was considered.

Mr. F. Lewis asked unanimous consent to bracket LB 290 until April 19, 1977.

Mr. DeCamp objected.

Mr. F. Lewis moved to bracket LB 290 until April 19, 1977.

Mr. DeCamp withdrew his objection.

LB 290 was bracketed until April 19, 1977.

REFERENCE COMMITTEE REPORT

LB	Committee
535	Bus. & Labor
534	Public Works

(Signed) Richard Marvel, Chairman; John S. Savage; William E. Nichol; Richard Lewis; Jack Mills; Larry D. Stoney; Steve Fowler

SELECT COMMITTEE REPORT
Committee on Committees

Hearing held February 3, 1977

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. Warren Bosley
Special Education Appeal Board.

No one appeared in behalf and no one appeared in opposition to Dr. Bosley's appointment.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Labedz, F. Lewis, Mills, Moylan, and Savage. Against: None. Not Voting: None. Excused: (3) Senators Marsh, Murphy, and Rasmussen. Absent: (2) Senators DeCamp and Koch.

Mr. E. A. Cook III
Special Education Appeal Board

Senator Cope appeared in support of Mr. Cook's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Labedz, F. Lewis, Mills, Moylan, and Savage. Against: None. Not Voting: None. Excused: (3) Senators Marsh, Murphy, and Rasmussen. Absent: (2) Senators DeCamp and Koch.

Dr. Mary Krider
Special Education Appeal Board

No one appeared in support and no one appeared in opposition to Dr. Krider's appointment.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Labedz, F. Lewis, Mills, Moylan, and Savage. Against: None. Not Voting: None. Excused: (3) Senators Marsh, Murphy, and Rasmussen. Absent: (2) Senators DeCamp and Koch.

Mrs. Dorothy Ley
Education Appeal Board

Senator Burrows appeared in support of Mrs. Ley's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Labedz, F. Lewis, Mills, Moylan, and Savage. Against: None. Not Voting: None. Excused: (3) Senators Marsh, Murphy, and Rasmussen. Absent: (2) Senators DeCamp and Koch.

Bruce Peters
State Personnel Board

No one appeared in support of Mr. Peter's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Labedz, F. Lewis, Mills, Moylan, and Savage. Against: None. Not Voting: None. Excused: (3) Senators Marsh, Murphy, and Rasmussen. Absent: (2) Senators DeCamp and Koch.

Ralph Lubeck
Board of Educational Lands & Funds

Mr. Kent Hickman, Senator Burrows and Senator Mills appeared in support of Mr. Lubeck's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Burrows, Cope, Dworak, Labedz, F. Lewis, Mills, Moylan, and Savage. Against: None. Not Voting: None. Excused: (3) Senators Marsh, Murphy, and Rasmussen. Absent: (2) Senators DeCamp and Koch.

Senator Frank Lewis requested that the confirmation of the gubernatorial appointment of Mr. Robert Snow, 3430 Washington, Lincoln, Nebraska to the Special Education Appeal Board be held in abeyance until the next meeting.

(Signed) John S. Savage, Chairman

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 517A. By Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT–Print Amendment to LB 238

Mr. Savage asked unanimous consent to print the following amendment to LB 238 in the Journal. No objections. So ordered.

1. On page 4, after line 14, insert a new paragraph as follows:

"Property which is eligible for any homestead exemption provided by sections 77-202.12 to 77-202.22 shall not (1) be included in any parking district created pursuant to this section, (2) have any assessment for such parking district levied against such property.

MOTION—Adjournment

Mr. Savage moved to adjourn until 9:00 a.m., Thursday, April 14, 1977. The motion lost with 14 ayes, 14 nays, and 21 not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 114. Considered.

Mr. Chambers moved to indefinitely postpone.

The motion lost with 11 ayes, 20 nays, 12 present and not voting, and 6 excused and not voting.

VISITORS

The President introduced 28 Seventh Grade students and teachers from Henderson Community School, Henderson, Nebraska.

ADJOURNMENT

At 4:56 p.m., on a motion by Mr. Savage the Legislature adjourned until 9:00 a.m., Thursday, April 14, 1977 with 22 ayes, 3 nays, and 24 not voting.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 14, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, even the best of us need encouragement on occasion. Fatigue, disappointment and just plain long hours and hard work drain us of our pep and good humor.
>
> We ask this day that You send the inspiration to the members of this Assembly to buoy them up so that they can do this work. Give them the consolation of knowing they are serving their constituents and the realization that what is said and done here can result in a better life for all. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Luedtke who was excused; Messrs. Burrows, DeCamp, Dworak, and Kremer who were excused until they arrive; Messrs. Fowler and Warner who were absent until 9:10 a.m.; and Mr. Duis who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-First Day was approved.

UNANIMOUS CONSENT-Member Excused

Mr. George asked unanimous consent to be excused from 2:00 to 3:00 p.m. this afternoon. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 80.

A BILL FOR AN ACT to authorize the lease of certain state land.

Whereupon the 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	Fitzgerald
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Labedz	Lamb
F. Lewis	R. Lewis	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Venditte

Voting in the negative, 0.

Present and not voting, 1:

Schmit

Absent and not voting, 3:

Duis	Fowler	Warner

Excused and not voting, 5:

Burrows	DeCamp	Dworak	Kremer	Luedtke

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

LEGISLATIVE BILL 494.

A BILL FOR AN ACT to create the Commission on Rural Health Manpower; to provide duties; to provide membership of the commission; and to provide for termination of the 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, 42:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Labedz
Lamb	F. Lewis	R. Lewis	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 1:

Cullan

Present and not voting, 1:

Nichol

Absent and not voting, 1:

Duis

Excused and not voting, 4:

DeCamp	Dworak	Kremer	Luedtke

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

LEGISLATIVE BILL 494A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 494, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kahle
Kelly	Keyes	Koch	Labedz	Lamb
F. Lewis	R. Lewis	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 1:

Cullan

Present and not voting, 2:

Hefner Nichol

Absent and not voting, 1:

Duis

Excused and not voting, 4:

DeCamp Dworak Kremer Luedtke

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

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 274.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT–Bracket LB 518

Mr. Schmit asked unanimous consent to bracket LB 518 on General File until April 19, 1977.

Mr. F. Lewis objected.

Mr. Schmit moved to bracket LB 518 on General File until April 19, 1977.

Mr. Venditte 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 bracket prevailed with 25 ayes, 12 nays, 9 present and not voting, and 3 excused and not voting.

Messrs. Cope, Kelly, and Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

UNANIMOUS CONSENT—Bracket LB 142

Mr. Bereuter asked unanimous consent to bracket LB 142 until April 25, 1977 on General File.

Mr. Duis objected.

Mr. Bereuter moved to bracket LB 142 until April 25, 1977 on General File.

Mr. George 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 Bereuter motion prevailed with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT—Bracket LB 186

Mr. Bereuter asked unanimous consent to bracket LB 186 on General File for April 27, 1977.

Mr. Barnett objected.

Mr. Bereuter moved to bracket LB 186 on General File for April 27, 1977.

Mr. Venditte 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 Bereuter motion prevailed with 25 ayes, 4 nays, 15 present and not voting, and 5 excused and not voting.

MOTION–Bracket LB 192

Mr. Burrows moved to bracket LB 192 until April 19, 1977 on General File.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

Mr. Burrows moved for a Call of the House. The motion prevailed with 17 ayes, 12 nays, and 20 not voting.

Mr. Burrows moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Burrows motion to bracket prevailed with 25 ayes, 17 nays, 5 present and not voting, and 2 excused and not voting.

MOTION–Bracket LB 139

Mr. Nichol moved to bracket LB 139 until April 19, 1977 on General File.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 10 nays, and 18 not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 13 nays, and 15 not voting.

Mr. Newell moved the previous question. The motion is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Nichol motion to bracket prevailed with 26 ayes, 7 nays, 11 present and not voting, and 5 excused and not voting.

MOTION–Bracket LB 518

Mr. Newell moved to bracket LB 518 on General File until May 15, 1977.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

The Newell motion to bracket lost with 11 ayes, 22 nays, 11 present and not voting, and 5 excused and not voting.

MOTION–Bracket General File Bills

Mr. Simon moved to bracket all bills on General File until April 19, 1977 excluding 114, 340, 259, 441, 446, 204, 168, and 75.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 10 ayes, 14 nays, and 25 not voting.

The Simon motion lost with 12 ayes, 21 nays, 15 present and not voting, and 1 excused and not voting.

MOTION–General File Bills

Mr. F. Lewis moved to return all bills bracketed today to their original position on general file.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The F. Lewis motion lost with 15 ayes, 21 nays, 12 present and not voting, and 1 excused and not voting.

MOTION–Bracket LB 408

Mr. Chambers moved to bracket LB 408 until April 25, 1977.

Mr. Chambers requested his motion be withdrawn.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 159. Placed on General File as amended.
Standing Committee amendments to LB 159:

1. On page 2, insert a new subdivision (3) as follows:

"(3) Nonprofit organization shall mean any corporation established under the provisions of sections 21-1901 to 21-19,109."; and renumber original subdivisions (3) to (6) as subdivisions (4) to (7) respectively.

2. On page 6, line 16 after "Private" insert "nonprofit"; and line 17 strike "nonprofit".

3. On page 28, line 25, after "private" insert "nonprofit".

4. On page 29, lines 1 and 2 after "private" insert "nonprofit".

LEGISLATIVE BILL 226. Placed on General File as amended.
Standing Committee amendments to LB 226:

1. On page 3, line 15 after "director" insert "or directors".

2. On page 4, lines 3 and 4, strike "including, without limitation, nuclear fuel,"; in line 5 after "the" insert "acquisition, transformation,". strike "and" and insert a comma, and after "utilization" insert "and disposition" and in line 6 after "of" insert "nuclear fuel or".

3. On page 9, line 6 after "director" insert "or directors".

4. On page 10, line 6 after "(7)" insert "participating municipality shall be entitled to appoint one director, but with the approval of each of the participating municipalities as evidenced by resolution of the governing body thereof, and agency's by-laws may contain a provision entitling any of the participating municipalities to appoint more than one director and specifying the number of directors to be appointed by each of the participating municipalities of the agency. The number of directors may be increased or decreased from time to time by an amendment to the by-laws approved by each of the participating municipalities as evidenced by resolution of the governing body thereof, provided that each participating municipality shall at all times be entitled to appoint at least one director. Each".

5. In the title, strike lines 2 and 3 and insert "FOR AN ACT relating to cities and villages with respect to public utilities; to adopt the Nebraska Municipal Cooperative Financing Act; to authorize the creation of agencies for cooperative action by two or more cities or villages; to provide for the organization of such agencies; to authorize such agencies to acquire, construct and operate sewerage, solid waste disposal, electrical power and energy, and waterworks projects; to authorize such agencies to borrow money and issue bonds and refunding bonds to finance such projects; to grant such agencies power of eminent domain; to authorize such agencies and cities and villages to enter into contracts for the sale and purchase of water, electric power and energy, sewerage and solid waste disposal services; to limit time period for contesting resolutions of agencies; to provide for tax exemption of bonds and property of agencies; and related matters; and to provide severability.".

(Signed) Walter George, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 298A. By Kremer, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 298, Eighty-fifth Legislature, First Session, 1977.

MOTION–Override Vetoes on LB 459 and 459A

Mr. Warner moved to override the Governor's veto on LB 459 and LB 459A.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Murphy asked unanimous consent to withdraw his pending amendment found in the Journal on page 1377. No objections. So ordered.

Mr. Koch asked unanimous consent to withdraw his pending amendment found in the Journal on page 1369. No objections. So ordered.

Mr. Chambers moved that there be a moratorium of ten legislative days on debating the criminal code.

Mr. Newell 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. Venditte requested a record vote on the Chambers motion.

Mr. Chambers moved for a Call of the House. The motion prevailed with 20 ayes, 7 nays, and 22 not voting.

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

Voting in the affirmative, 17:

Boughn	Burrows	Chambers	Duis	Kelly
Kremer	Labedz	Lamb	R. Lewis	Maresh
Maxey	Mills	Murphy	Rasmussen	Reutzel
Savage	Venditte			

Voting in the negative, 29:

Barnett	Bereuter	Brennan	Carsten	Clark
Cope	Cullan	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Marsh	Marvel	Merz
Moylan	Newell	Nichol	Rumery	Schmit
Simon	Stoney	Swigart	Warner	

Present and not voting, 2:

DeCamp F. Lewis

Excused and not voting, 1:

Luedtke

The Chambers motion lost with 17 ayes, 29 nays, 2 present and not voting, and 1 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. F. Lewis asked unanimous consent to be excused the remainder of the morning and until he arrives this afternoon. No objections. So ordered.

Mr. Bereuter renewed his pending amendments to Article 13 found in the Journal on page 1044.

Mr. Fowler offered the following amendment to the Bereuter amendment:
Amend the Bereuter amendment, line 21, strike "Governor" and insert "Executive Board".

The Fowler amendment was adopted with 24 ayes, 1 nay, 22 present and not voting, and 2 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused the remainder of the day and tomorrow, April 15, 1977. No objections. So ordered.

MR. MARVEL PRESIDING

Mr. Chambers requested a record vote on the Bereuter amendment, as amended.

Voting in the affirmative, 26:

Barnett	Bereuter	Boughn	Burrows	Cope
Cullan	Dworak	Fitzgerald	Fowler	George
Hasebroock	Hefner	Kahle	Kelly	Koch
Maresh	Marsh	Marvel	Moylan	Murphy
Newell	Reutzel	Simon	Swigart	Venditte
Warner				

Voting in the negative, 8:

Brennan	Carsten	Chambers	Clark	Keyes
Merz	Rumery	Stoney		

Present and not voting, 12:

DeCamp	Duis	Goodrich	Kremer	Lamb
R. Lewis	Maxey	Mills	Nichol	Rasmussen
Savage	Schmit			

Excused and not voting, 3:

Labedz	F. Lewis	Luedtke

The Bereuter amendment was adopted, as amended, with 26 ayes, 8 nays, 12 present and not voting, and 3 excused and not voting.

Laid over.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet today at 12:15 in room 1019.

UNANIMOUS CONSENT—Members Excused

Mr. Chambers asked unanimous consent to be excused this afternoon. No objections. So ordered.

Messrs. Boughn and Simon asked unanimous consent to be excused Friday, April 15, 1977. No objections. So ordered.

Messrs. Warner and Marvel asked unanimous consent to be excused this afternoon until they arrive. No objections. So ordered.

ANNOUNCEMENT

Mr. Dworak announced an executive session of Miscellaneous Subjects Committee on Monday, April 18, 1977 at 4:30 p.m. in room 1019.

NOTICE OF COMMITTEE HEARING
Public Works

LB 534 Friday, April 22, 1977 12:30 p.m.

(Signed) Maurice Kremer, Chairman

VISITORS

The President introduced 15 students and sponsors from Litchfield High School; 75 eighth grade students and teachers from Christ the King School, Omaha; 47 fourth grade students and sponsors from Maywood-Seymour School, Ralston; 10 eighth through twelfth grade students and sponsors from Sidney; and 10 students and sponsors from Sidney Public School.

RECESS

At 11:54 a.m., on a motion by Mr. Savage, 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 Mrs. Labedz and Mr. Luedtke who were excused; Messrs. Chambers, George, Marvel, Warner, Boughn, Kremer, and F. Lewis who were excused until they arrive; and Messrs. Clark, Reutzel, and R. Lewis who were absent until 2:15 p.m.

UNANIMOUS CONSENT—Approve Appointments

Mr. Savage asked unanimous consent to approve the Governor's appointments found in the Journal on page 1391-93 of Dr. Bosley, Mr. Cook, Dr. Krider, Mrs. Ley, Mr. Peters and Mr. Lubeck in one record vote. No objections. So ordered.

Voting in the affirmative, 31:

Bereuter	Brennan	Burrows	Carsten	Cope
DeCamp	Duis	Dworak	Fitzgerald	Fowler
Hasebroock	Hefner	Keyes	Koch	Lamb
Maresh	Marsh	Merz	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 0.

Present and not voting, 9:

Barnett	Clark	Cullan	Goodrich	Kahle
Kelly	R. Lewis	Maxey	Mills	

Excused and not voting, 9:

Boughn	Chambers	George	Kremer	Labedz
F. Lewis	Luedtke	Marvel	Warner	

The Chair declared the appointments confirmed.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Barnett renewed his pending amendment (1) found in the Journal on page 1377. The amendment was adopted with 28 ayes, 1 nay, 9 present and not voting, 3 absent and not voting, and 8 excused and not voting.

Mr. Barnett renewed his pending amendment (2) found in the Journal on page 1377. The amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, 3 absent and not voting, and 8 excused and not voting.

Laid over.

SELECT FILE

LEGISLATIVE BILL 398. Mr. Newell re-offered his amendment found in the Journal on page 1262.

Mr. Newell moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Mr. Newell requested a roll call vote.

Voting in the affirmative, 25:

Barnett	Bereuter	Brennan	Burrows	Fitzgerald
Fowler	Goodrich	Kahle	Keyes	Koch
Kremer	Maresh	Marsh	Maxey	Merz
Mills	Moylan	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Venditte

Voting in the negative, 15:

Carsten	Clark	Cope	Cullan	Duis
Dworak	Hasebroock	Hefner	Lamb	R. Lewis
Marvel	Murphy	Rasmussen	Stoney	Swigart

Present and not voting, 2:

DeCamp	Kelly

Excused and not voting, 7:

Boughn	Chambers	George	Labedz	F. Lewis
Luedtke	Warner			

The amendment was adopted with 25 ayes, 15 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Mr. Cullan requested a machine vote on advancing LB 398 to E & R for Engrossment.

Advanced to E & R for Engrossment with 27 ayes, 10 nays, 5 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 81. Mr. Mills re-offered the previous Koch amendment (2) found in the Journal on page 536-537.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Brennan	Burrows	Carsten	Clark
Cullan	Duis	Dworak	Fowler	Hefner
Kelly	Keyes	Koch	Lamb	R. Lewis
Maxey	Mills	Moylan	Murphy	Rasmussen
Savage	Stoney	Swigart		

Voting in the negative, 16:

Cope	Fitzgerald	Goodrich	Hasebroock	Kahle
Kremer	Maresh	Marsh	Marvel	Merz
Nichol	Reutzel	Rumery	Schmit	Simon
Venditte				

Present and not voting, 3:

Bereuter	DeCamp	Newell

Excused and not voting, 7:

Boughn	Chambers	George	Labedz	F. Lewis
Luedtke	Warner			

The Mills amendment lost with 23 ayes, 16 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Rasmussen offered the following amendment:
Page 4 Line 2 strike 7.50 and insert $5.

Mr. Kremer 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 Rasmussen amendment lost with 12 ayes, 21 nays, 9 present and not voting, and 7 excused and not voting.

Mr. Bereuter requested his pending amendment found in the Journal on page 1112 be withdrawn.

Advanced to E & R for Engrossment with 34 ayes, 2 nays, 6 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. Burrows and Keyes asked unanimous consent to be excused Friday, April 15, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments to LB 186

Mr. DeCamp asked unanimous consent to print the following amendments to LB 186 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 186

1. Insert two new sections 15 and 16 as follows:

"Sec. 15. In addition to and notwithstanding other provisions of law relating to zoning and land-use planning by counties, cities, and villages in this state, the following provisions shall apply:

(1) Each county, city, and village in this state may enact and enforce zoning and land-use plans and regulations over all territory within the jurisdiction of such county, city, or village. If a city, on the effective date of this act, has jurisdiction over land within a prescribed distance outside the incorporated limits of such city, such city shall continue to exercise jurisdiction over such land, notwithstanding other provisions of this act;

(2) Each county, city, or village shall have the authority to contract for services and to do all other things necessary to enact and enforce zoning and land-use plans and regulations within its respective jurisdiction;

(3) In adopting and enacting zoning and land-use plans and regulations, each county, city, and village shall be guided by the principle that all activities and uses on the land within its jurisdiction shall be allowed unless such activity or use is specifically forbidden by the plan and regulation; and

(4) Prior to the final enactment and subsequent enforcement of any zoning and land-use plans and regulations, the governing body of the respective county, city, or village seeking to enact such plans and regulations shall submit the proposed zoning and land-use plans and regulations to the electors residing within its jurisdiction for approval thereof. Copies of the plans and regulations shall be made available to the public and at least three weeks notice, published in a newspaper of general circulation in the respective county, city, or village, shall be given of the election on such plans and regulations. An affirmative vote of a majority of those electors voting in such election shall be required prior to the final enactment and enforcement of the plans and regulations by the governing body of such county, city, or village.

Sec. 16. Before any initial land-use or zoning plan is implemented for the first time in a county which

previously has never adopted any type of land-use or zoning plan, the issue of whether to adopt and implement such a plan shall be voted on by the registered voters of the county.".

2. On page 26, line 3, after "1976" insert ", and also sections 84-151 to 84-160, Revised Statutes Supplement, 1976".

3. Renumber original sections 15 and 16 as sections 17 and 18, respectively.

ATTORNEY GENERAL'S OPINION

Opinion No. 73
April 13, 1977

Dear Senator Nichol:

You have requested the opinion of this office concerning the constitutionality of LB 45. LB 45 essentially provides that a state agency must implement a legislative act even though an opinion of the Attorney General states that the act may be unconstitutional unless, within ten working days after the issuance of the opinion, the agency commences an appropriate legal action. LB 45 additionally provides that the Supreme Court shall have original jurisdiction to entertain such a lawsuit.

It is the opinion of this office that LB 45 is constitutionally questionable in at least one respect, insofar as it would require, in certain situations, the implementation of a clearly unconstitutional act by a state officer sworn to uphold the Constitution pursuant to Section 1, Article XV, of the Constitution of Nebraska. While the officer certainly can be directed to commence a lawsuit to test the constitutional validity of the act, we do not believe he can be required to violate his oath if he merely fails to commence such an action within a specified time limit.

The Nebraska Supreme Court in the case of Van Horn v. State, 46 Neb. 62, 64 N.W. 365 (1895), stated this principle as follows:

> ". . . .We had thought it settled, at least since the decision of Marbury v. Madison, 1 Cranch [U.S.], 137, that the constitution is the supreme law, binding upon the legislature, as well as upon every citizen, and that no act of the legislature repugnant to the constitution can become a law for any purpose. . . . There can, however, in our mind, be no escape from these propositions, that the constitution is the fundamental law, that an act of the legislature repugnant thereto is not merely voidable by the courts, but is absolutely void and of no effect whatever. It is no law, and binds no one to observe it. The officers of this state are sworn to support the constitution. Where a supposed act of the legislature and the constitution conflict, the constitution must be obeyed

and the statute disregarded. Ministerial officers are, therefore, not bound to obey an unconstitutional statute, and the courts sworn to support the constitution will not by mandamus compel them to do so. . . . A doubt as to the validity of a statute would not justify them in disregarding it. The peace of the community, the orderly conduct of government, require that only in clear cases of unconstitutionality should they refuse obedience to legislative acts. They always disregard them at their peril; but when they do disregard them, and the question is presented to the court as to whether or not obedience will be compelled, the question of the validity of the act is presented, and obedience will not be compelled if the act is unconstitutional, because in that case it is no law and imposes upon no one any duty. . . . If an act must be respected until its invalidity is declared by the judiciary in a proper proceeding, then the constitution is utterly ineffectual. Such a proceeding can never arise until some one refuses obedience to the act." (Id., pp. 82-84)

Based upon the above cited case, it is our opinion that LB45 would be constitutionally valid if it were limited in its application to those cases in which the constitutionality of the act in question is doubtful only. However, it is not so limited. Therefore, it is our opinion that the constitutionality of the act could not be defended since, by its terms, the act may be applied to require the implementation of a clearly unconstitutional act.

In addition, we feel it necessary to point out that situations may arise where in all practicality it would be impossible for the state agency to challenge an act by filing a lawsuit as contemplated by LB 45. Situations may arise wherein the agency does not have sufficient standing to challenge the constitutionality of an act. (See, for instance, State ex rel. Ridgell v. Hall, 99 Neb. 89, 156 N.W. 16 (1916). As was recognized by the Supreme Court in Van Horn, supra, in some cases a lawsuit may not be properly brought unless someone refuses compliance with the act. In some such situations practicality indicates that a lawsuit may only be properly brought to test constitutionality if the state agency refuses compliance with the act. Therefore, LB 45 may place the state agency in a very difficult position relative to the practicality or propriety of commencing a lawsuit to test the constitutionality of an act since, in all practicality, a lawsuit may only be framed if the state agency refuses to implement the act.

Yours very truly,
PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 61, 303, 430, 503A, 512, 512A, 515, and 515A.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 81A. E & R amendment found in the Journal on page 889 for the Forty-Fifth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 30. Mr. Simon asked unanimous consent to bracket until Tuesday, April 19, 1977.

Mrs. Marsh objected.

Mr. Simon moved to bracket LB 30 until April 19, 1977.

The motion lost with 12 ayes, 19 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. DeCamp renewed his specific amendment (Req. No. 2504) referred to in the Journal on page 632.

Mr. Simon requested a roll call vote.

Voting in the affirmative, 15:

Brennan	Burrows	DeCamp	Dworak	Fitzgerald
Fowler	Goodrich	Keyes	Koch	Marvel
Maxey	Merz	Newell	Reutzel	Schmit

Voting in the negative, 21:

Barnett	Bereuter	Carsten	Clark	Cope
Cullan	Hasebroock	Hefner	Kahle	Kremer
Lamb	R. Lewis	Maresh	Marsh	Moylan
Nichol	Rasmussen	Rumery	Simon	Stoney
Swigart				

Present and not voting, 5:

Duis	Kelly	Mills	Murphy	Savage

Excused and not voting, 8:

Boughn	Chambers	George	Labedz	F. Lewis
Luedtke	Venditte	Warner		

The amendment lost with 15 ayes, 21 nays, 5 present and not voting, and 8 excused and not voting.

Mr. Maresh moved to return LB 30 to Final Reading.

Mrs. Marsh 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 Final Reading with 25 ayes, 9 nays, 7 present and not voting, and 8 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 535 Thursday, April 21, 1977 12:30 p.m.

(Signed) Richard Maresh, Chairman

SELECT FILE

LEGISLATIVE BILL 425. Mr. Schmit offered the following amendment:

AMENDMENT TO LB 425

1. On page 2, line 12, reinstate the stricken matter and before "county" insert "and".

Amendment pending.

Mr. Schmit asked unanimous consent to have his bill laid over. No objections. So ordered.

LEGISLATIVE BILL 110. Mr. Schmit offered the following amendment:

AMENDMENTS TO LB 110

1. In the committee amendments, section 3, page 997 of the Journal, strike beginning with "shall" in line 10 through "categories" in line 12 and insert "may

elect to be trained, examined, and certified according to categories as set forth in this section or according to subcategories of categories as set forth in this section or as established by the Department of Agriculture by rule and regulation. Categories"; and in line 20 after the underscored period insert "Subcategories shall include fumigation-stored grain as a subcategory of category (8) of this section and such other subcategories as may be established by the Department of Agriculture. Certification in any category shall include certification under any subcategory of that category without further training, examination or certification. A commercial applicator who elects to be trained, examined, and certified according to a subcategory shall not be required to be trained, examined, and certified according to the category.".

2. Insert a new section to read:

"Sec. 5. That section 2-2616, Revised Statutes Supplement, 1976, be amended to read as follows:

2-2616. The Department of Agriculture shall prescribe the necessary forms and adopt and promulgate such rules and regulations as shall be necessary to carry out the provisions of sections 2-2613 to 2-2618, but only regarding the conducting of training sessions, issuing of recommendations of satisfactory training, promulgation of subcategories, examination of commercial applicators, and certificates of knowledge in the use and application of pesticide by private applicators without instruction.".

3. In committee amendments, section 4, line 24 after "2-2613" insert "," and strike "and"; and in line 25 after "2-2614," insert "and 2-2616,".

4. Renumber the repeal section as section 6.

Amendment pending.

Mr. Schmit asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 109. Mr. Reutzel asked unanimous consent to bracket LB 109 and LB 109A until January 11, 1978.

Messrs. Koch and Duis objected.

Mr. Reutzel moved to bracket LB 109 and LB 109A until January 11, 1978.

The motion prevailed with 25 ayes, 9 nays, 8 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT—Print Amendment to LB 161

Mr. Stoney asked unanimous consent to print the following amendment to LB 161 in the Journal. No objections. So ordered.

1. In the Stoney amendment printed in the Journal on page 1082, line 6, strike "he" and insert "such executive director".

UNANIMOUS CONSENT—Print Amendment to LB 510

Mr. Kremer asked unanimous consent to print the following amendment to LB 510 in the Journal. No objections. So ordered.

1. Strike section 5 and renumber remaining sections accordingly.
2. On page 23, line 25, and in the title, insert "to 2-1528, 2-1530 to 2-1546, 2-1548" after "2-1518".

UNANIMOUS CONSENT—Print Amendment to LB 486

Mr. Koch asked unanimous consent to print the following amendment to LB 486 in the Journal. No objections. So ordered.

1. On page 5, line 10 strike "and"; in line 16 strike the period and insert "; and
(7) Private vocational educational institutions whose total tuition and fees are less than one hundred fifty dollars per person per course and which employs not less than fifty per cent of the students within four months after completing the course of study.".

VISITORS

The President introduced Miss Jan Hanna from Cherry County; 49 sixth grade students and teacher from Fairbury; 15 seventh and eighth grade students and teacher from Byron; 50 fourth grade students and teacher from Howard School, Grand Island.

ADJOURNMENT

At 4:22 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Friday, April 15, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-THIRD DAY—APRIL 15, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 15, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we labor unceasingly to learn more about our job; to stay up with trends; to please our constituents, and to pass better laws in order to better people.
>
> Sometimes we suffer disappointment, sometimes we become downright unhappy over projects gone awry.
>
> When we are successful, we sometimes act as if we created the phenomenon of success.
>
> In either case, let us recall the words of the Psalmist:
>
> "Unless the Lord build the house, they labor in vain who build it.
>
> Unless the Lord guard the city, in vain does the guard keep vigil.
>
> It is vain for you to rise early, or put off your rest,
>
> You that eat hard-earned bread, for He gives to His beloved in sleep." Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Boughn, Burrows, Dworak, Hasebroock, Keyes, Luedtke, and Mrs. Labedz who were excused; Mr. R. Lewis who was excused until he arrives; and Mr. Fowler who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Second Day was approved.

REPORT OF REGISTERED LOBBISTS

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 14, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Foley, John C. - Omaha (withdrawn 4/13/77) Blue Cross and Blue Shield
Gordon, James E. - Lincoln, Postal Finance Company
Ryan, James E. - Lincoln, White Advertising International

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 45. Replaced on Select File as amended.
E & R amendment to LB 45:
1. In line 2 of E & R 1 adopted 4/13,
strike "(5)" and insert "(3)".

LEGISLATIVE BILL 228. Replaced on Select File as amended.
E & R amendments to LB 228:
1. In committee amendments, page 3, line 2,
insert "contracting for police protection and security services," after the comma.
2. In committee amendments, page 4, line 24,
insert "the cost of contracting for water for fire protection and for resale to residents of the district, the cost of contracting for police protection and security services,"
after the comma.

LEGISLATIVE BILL 196. Replaced on Select File as amended.
E & R amendment to LB 196:
1. Show as stricken the old matter stricken
by the Simon amendment.

LEGISLATIVE BILL 91. Replaced on Select File as amended.
E & R amendment to LB 91:
1. In the title, line 4, strike "grocery".

LEGISLATIVE BILL 93. Placed on Select File.

LEGISLATIVE BILL 472. Placed on Select File as amended.
E & R amendment to LB 472:
1. In the title, strike lines 4 and 5 and insert "vehicle inspections; to provide an exception; to provide for the inspection of implements of husbandry as prescribed; and to".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORTS

Appropriations

LEGISLATIVE BILL 521. Placed on General File.

(Signed) Jerome Warner, Chairman

Constitutional Revision and Recreation

LEGISLATIVE BILL 527. Placed on General File.

(Signed) Jerry Koch, Chairman

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 80, 494, and 494A.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Mr. Kremer announced the Committee on Public Works will hold an executive session today at 12:00 noon in Room 1019.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 90. Mr. Chambers moved to return LB 90 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 13:

Carsten	Chambers	Clark	Cullan	Duis
Lamb	Maresh	Marvel	Maxey	Merz
Rasmussen	Reutzel	Schmit		

Voting in the negative, 24:

Barnett	Bereuter	Brennan	Cope	Fitzgerald
George	Goodrich	Hefner	Kahle	Kelly
Kremer	Marsh	Mills	Moylan	Murphy
Newell	Nichol	Rumery	Savage	Simon
Stoney	Swigart	Venditte	Warner	

Present and not voting, 3:

DeCamp	Koch	F. Lewis

Absent and not voting, 1:

Fowler

Excused and not voting, 8:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	R. Lewis	Luedtke		

The motion lost with 13 ayes, 24 nays, 3 present and not voting, 1 absent and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 90.

A BILL FOR AN ACT to amend sections 60-406 and 60-415, Reissue Revised Statutes of Nebraska, 1943, and sections 60-403.01, 60-404, and 60-409, Revised Statutes Supplement, 1976, relating to motor vehicle operators' licenses; to require color photographs on licenses as prescribed; to change fees; to provide temporary licenses; to provide an advisory committee; to provide for transition; and to repeal the original sections.

Mr. Chambers requested a roll call vote.

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

Voting in the affirmative, 25:

Barnett	Bereuter	Cope	DeCamp	Fitzgerald
George	Goodrich	Hefner	Kahle	Kelly
Kremer	Marsh	Mills	Moylan	Murphy
Newell	Nichol	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 15:

Brennan	Carsten	Chambers	Clark	Cullan
Duis	Koch	Lamb	F. Lewis	Maresh
Marvel	Maxey	Merz	Rasmussen	Reutzel

Absent and not voting, 1:

Fowler

Excused and not voting, 8:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	R. Lewis	Luedtke		

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

LEGISLATIVE BILL 90A.

A BILL FOR AN ACT to approriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-fifth Legislature, First Session, 1977.

Mr. Chambers requested a ruling on how many votes this bill requires.

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

Voting in the affirmative, 25:

Barnett	Bereuter	Cope	Fitzgerald	George
Goodrich	Hefner	Kahle	Kelly	Kremer
Marsh	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 13:

Carsten	Chambers	Clark	Cullan	Duis
Koch	Lamb	F. Lewis	Maresh	Marvel
Maxey	Rasmussen	Reutzel		

Present and not voting, 2:

Brennan DeCamp

Absent and not voting, 1:

Fowler

Excused and not voting, 8:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	R. Lewis	Luedtke		

The Chairman of the Appropriations Committee stated this would require 30 votes to pass.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 124.

A BILL FOR AN ACT to amend section 25-1301.01, Reissue Revised Statutes of Nebraska, 1943, relating to judgments; to provide for notice of judgment in civil cases 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:

Barnett	Bereuter	Brennan	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hefner
Kahle	Kelly	Koch	Kremer	Lamb
F. Lewis	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 8:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	R. Lewis	Luedtke		

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

LEGISLATIVE BILL 173.

A BILL FOR AN ACT relating to cities and villages; to provide an additional annexation requirement.

Whereupon the 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:

Barnett	Bereuter	Brennan	Carsten	Clark
Cope	Cullan	DeCamp	Fitzgerald	George
Goodrich	Hefner	Kahle	Kelly	Koch
Kremer	Lamb	F. Lewis	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 1:

Warner

Present and not voting, 3:

Chambers	Duis	Fowler

Excused and not voting, 8:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	R. Lewis	Luedtke		

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

LEGISLATIVE BILL 238. Mr. Savage moved to return LB 238 to Select File for the specific amendment found in the Journal on page 1393.

The motion prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 260.

A BILL FOR AN ACT to amend section 44-380, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to change provisions relating to insured property that is wholly destroyed 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:

Barnett	Bereuter	Brennan	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hefner
Kahle	Kelly	Koch	Kremer	Lamb
F. Lewis	R. Lewis	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Venditte

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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 to amend sections 21-17,127, 21-17,128, 21-17,129, 21-17,131, 21-17,132, 21-17,133, 21-17,134, 21-17,135, 21-17,136, 21-17,137, 21-17,138, 21-17,139, 21-17,141, 21-17,142, 21-17,143, and 21-17,144, Revised Statutes Supplement, 1976, relating to the Nebraska Cooperative Credit Union Institution Guaranty Corporation Act; to rename such act as the Nebraska Depository Institution Guaranty Corporation 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:

Barnett	Bereuter	Brennan	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	Goodrich	Hefner	Kahle
Kelly	Koch	Kremer	Lamb	F. Lewis
R. Lewis	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 2:

George	Murphy

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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

MR. MARVEL PRESIDING

LEGISLATIVE BILL 302.

A BILL FOR AN ACT to amend section 48-806, Revised Statutes Supplement, 1976, relating to the Court of Industrial Relations; to increase the per diem paid to judges; 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:

Barnett	Bereuter	Brennan	Chambers	Clark
Cope	Cullan	DeCamp	Duis	Fitzgerald
Fowler	Goodrich	Kahle	Kelly	Koch
Kremer	F. Lewis	Maresh	Marsh	Marvel
Merz	Mills	Moylan	Newell	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Venditte	Warner			

Voting in the negative, 9:

Carsten	Hefner	Lamb	R. Lewis	Maxey
Murphy	Nichol	Rasmussen	Stoney	

Present and not voting, 1:

George

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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

LEGISLATIVE BILL 302A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 302, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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:

Barnett	Bereuter	Brennan	Chambers	Clark
Cope	Cullan	DeCamp	Duis	Fitzgerald
Fowler	Goodrich	Kahle	Kelly	Koch
Kremer	F. Lewis	Maresh	Marsh	Marvel

Merz	Mills	Moylan	Newell	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Venditte	Warner			

Voting in the negative, 9:

Carsten	Hefner	Lamb	R. Lewis	Maxey
Murphy	Nichol	Rasmussen	Stoney	

Present and not voting, 1:

George

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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 section 44-114, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to increase fees and charges for certain services; to add additional fees for services; and to repeal the original section.

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

Voting in the affirmative, 30:

Barnett	Bereuter	Brennan	Carsten	Chambers
Cope	Cullan	DeCamp	Duis	Fowler
George	Goodrich	Hefner	Kahle	Kelly
Kremer	R. Lewis	Marsh	Merz	Mills
Murphy	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Warner

Voting in the negative, 10:

Clark	Fitzgerald	Koch	Lamb	F. Lewis
Maresh	Marvel	Maxey	Moylan	Newell

Present and not voting, 2:

Nichol Venditte

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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

LEGISLATIVE BILL 337.

A BILL FOR AN ACT to amend sections 48-624 and 48-669, Revised Statutes Supplement, 1976, relating to labor; to provide an increased maximum benefit amount; to change a date; and to repeal the original sections.

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

Voting in the affirmative, 29:

Barnett	Bereuter	Brennan	Carsten	Chambers
Cullan	Fitzgerald	Fowler	George	Goodrich
Kahle	Koch	Kremer	F. Lewis	Marsh
Maxey	Merz	Mills	Moylan	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 12:

Clark	Cope	DeCamp	Duis	Hefner
Kelly	Lamb	R. Lewis	Maresh	Marvel
Murphy	Rasmussen			

Present and not voting, 1:

Venditte

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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

LEGISLATIVE BILL 478. With Emergency.

A BILL FOR AN ACT to amend section 44-127.09, Reissue Revised Statutes of Nebraska, 1943, relating to insurance; to clarify procedures for the judicial review of disputed claims; 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 ppass with the emergency clause attached?' "

Voting in the affirmative, 37:

Barnett	Bereuter	Carsten	Chambers	Clark
Cope	Cullan	DeCamp	Duis	Fitzgerald
Fowler	George	Goodrich	Hefner	Kahle
Kelly	Koch	Kremer	Lamb	R. Lewis
Maresh	Marsh	Maxey	Merz	Mills
Moylan	Murphy	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 4:

Brennan	F. Lewis	Marvel	Newell

Present and not voting, 1:

Venditte

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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 497.

A BILL FOR AN ACT to amend section 29-404, Reissue Revised Statutes of Nebraska, 1943, relating to criminal procedures; to provide for complaints by a city or village attorney; 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	Brennan	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fowler	George	Goodrich	Hefner	Kahle
Kelly	Koch	Kremer	Lamb	F. Lewis
R. Lewis	Maresh	Marsh	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 1:

Marvel

Present and not voting, 2:

Fitzgerald Venditte

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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 8-320, Uniform Commercial Code, relating to transfer or pledge within a central depository system; to require a certain list from a clearing corporation; to specify requirements for the transfer and holding of investment securities in central depositories; to authorize the deposit of certain securities in federal reserve banks under certain conditions; 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	Brennan	Carsten	Clark
Cope	DeCamp	Duis	Fitzgerald	George
Goodrich	Hefner	Kahle	Kelly	Koch
Kremer	Lamb	F. Lewis	R. Lewis	Maresh

Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Cullan	Fowler	Nichol

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

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

LEGISLATIVE BILL 506.

A BILL FOR AN ACT relating to banking; to provide that banks may engage in the business of leasing personal property; and to provide duties of the Director of Banking and Finance.

Whereupon the 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:

Barnett	Bereuter	Carsten	Clark	Cope
DeCamp	Duis	Fitzgerald	Goodrich	Hefner
Kahle	Kelly	Koch	Kremer	Lamb
Marsh	Merz	Mills	Moylan	Murphy
Newell	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 9:

Brennan	Chambers	Fowler	George	F. Lewis
R. Lewis	Maresh	Marvel	Maxey	

Present and not voting, 2:

Cullan Nichol

Excused and not voting, 7:

Boughn Burrows Dworak Hasebroock Keyes
Labedz Luedtke

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

ATTORNEY GENERAL'S OPINION

Opinion No. 74
April 13, 1977

Dear Senator Simon:

In a letter dated April 12, 1977, you asked this office whether or not an amendment to LB 64 would guarantee that no person convicted of first degree murder would be able to be paroled or discharged from prison in less than thirty years regardless of the good time provisions, but would at the same time allow the good time provisions to apply to a person so convicted who had a lengthy first degree murder sentence. Your amendment provides that a person convicted of first degree murder shall be sentenced:

> "For not less than thirty years nor more than ninety years for each count which must be served consecutively. The laws affecting both eligibility for release on parole and the date when an inmate's discharge from the custody of the state becomes mandatory pursuant to sections 83-1,107 and 83-1,107.01 shall not apply to reduce the sentence of a person convicted of first degree murder to less than thirty years, but shall otherwise be applicable."

We believe that this proposed amendment would guarantee, subject to the power of the Pardon Board to commute sentences, that no person convicted of first degree murder would be paroled or discharged from prison in less than thirty years regardless of the good time provisions, but would at the same time allow the good time provisions to apply to a person once he had completed the thirty year sentence.

In order to make this amendment and its effect more clear, the following hypotheticals are used. The first hypothetical involves a situation in which a first degree murderer was sentenced to a flat term of

thirty years. Under your amendments that person could not be paroled or discharged because of the application of the good time laws before he had served thirty years. Of course, since the sentence was for thirty years he would be discharged at the completion of that period of time.

A second hypothetical involves a situation where an individual is convicted of first degree murder and is given an indeterminate sentence of thirty to ninety years. In that situation, again, the person convicted could not be paroled or discharged prior to the expiration of his thirty year minimum sentence. However, because of the application of the good time laws, he would on the day after the expiration of his thirty year minimum be eligible for parole. This is assuming that he did not forfeit any of the good time awarded to him. That same person would be eligible for mandatory discharge, assuming that he did not forfeit any of his good time or faithful performance good time, after serving approximately forty-five years of his sentence.

Another hypothetical involves a situation where an offender is sentenced to a flat term of fifty years. Again, the person so convicted would not be eligible for parole or discharge prior to the completion of the minimum thirty year term. He would, however, even though his sentence was for a flat term of fifty years be eligible for mandatory discharge upon completion of the thirty year minimum that is provided for in your amendments. This result is so because of the application of sections 83-1,107, and 83-1,107.01 wherein good time and faithful performance deductions are to be deducted from an offender's maximum term, which in this case would be the flat term of fifty years, to determine mandatory discharge date. Under present statutes this mandatory discharge date would have ordinarily occurred after serving slightly more than half of the fifty year sentence. However, under your amendment he cannot be released before the expiration of a thirty year period and so at the expiration of that thirty year period since he would have ordinarily been entitled to a mandatory discharge, he would then be discharged.

It is hoped that the hypotheticals above help to demonstrate the effect of your amendments. We again reiterate that your amendments as contained in the April 12, 1977, letter would guarantee that a person convicted of first degree murder would serve thirty years regardless of the good time provisions in effect, but would at the same time allow the provisions of those good time laws to otherwise apply to a person convicted of first degree murder.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:ss
cc: Mr. Vincent Brown
Clerk of the Legislature

UNANIMOUS CONSENT—Print Amendments to LB 204

Mr. Barnett asked unanimous consent to print the following amendments to LB 204 in the Journal. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office—Req. No. 2601)

RESOLUTION

LEGISLATIVE RESOLUTION 55.

Introduced by Newell, District 13.

Whereas, property taxes for many Nebraskans are becoming more and more burdensome and the need for relief from taxation is becoming quite apparent; and

Whereas, personal and real property taxes are a method of local government finance that does not entirely live up to the recognized principles of a just tax, that is it can not be levied uniformily or with regularity and is in few ways based on an individuals ability to pay; and

Whereas, property taxes, both personal and real, as a method of local government finance is slowly breaking down--as is evidenced by the continual "exempting" and "revenue replacing" programs of the State; and

Whereas, the shift to sales and income taxes has caused increases in the sales and income tax rates; has cost the State General Fund millions of dollars, and has prohibited complete property tax revision or replacement; and

Whereas, property taxes are levied only against certain classes of property; and

Whereas, the valuation of homes and increases in tax rates against these values have increased at a more rapid rate than the growth in individual income for most people; and

Whereas, the ability to pay any tax should be based on income; and

Whereas, one half of the "replacement funds" for property tax relief comes from sales tax revenue; and

Whereas, the burden for sales tax payment falls more heavily on those Nebraskans least able to pay the tax; and

Whereas, the "replacement funds" are one step removed from direct taxation for specific purposes by governmental bodies.

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

1. That an interim study by the Revenue Committee with the cooperation of the appropriate Departments of State Government be undertaken.

2. That the Committee investigate alternative approaches to the present system of eliminating personal property taxes, and include a study of relief of real property taxes.

3. That the Committee seek a reasonable and progressive replacement tax (or taxes) for local government other than the present system of State replacement funding.

4. That the Committee report its finding to the Eighty-fifth Legislature of Nebraska, second session, in the form of proposed legislation.

Referred to the Executive Board.

MOTION—Reconsider Action on LB 90A

Mr. DeCamp moved to reconsider action on final passage of LB 90A.

Motion pending.

UNANIMOUS CONSENT—Print Material on LB 45

Mr. Murphy asked unanimous consent to print the following material on LB 45 in the Journal.

WORDING AS IT PRESENTLY EXISTS IN LB 45
84-205, Revised Statutes Supplement, 1976.

When an opinion of the Attorney General states that an act of the Legislature may be unconstitutional, such act shall nevertheless be fully implemented by the agency charged with the administration of such act. Implementation may be deferred only if, within ten working days of the issuance of the Attorney General's opinion, such agency shall have commenced an appropriate action, in a court of competent jurisdiction to seek judicial review to determine the constitutionality of the act;

THE ATTORNEY GENERAL'S RECOMMENDED WORDING FOR LB 45 TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE

When the Attorney General issues a written opinion that an act of the Legislature is unconstitutional and any state officer charged with the duty of implementing the act, in reliance on such opinion, refuses to implement the act, the Attorney General shall, within ten working days of the issuance of the opinion, file an action in the appropriate court to determine the validity of the act.

COMMENTS

The Assistant Attorney General opinion in the Journal as of April 14, 1977 on page 1411, has declared the language of the Attorney General to be unconstitutional. This makes my point very precisely. What is an opinion of the Attorney General.

(Signed) J. R. Murphy

ANNOUNCEMENT

Mr. Warner announced that the Appropriations Committee will meet at 1:00 p.m. today in Room 1003.

RESOLUTION

LEGISLATIVE RESOLUTION 56.

Introduced by Reutzel, 15th District.

WHEREAS, the services offered by the state probation system are of great importance to the Nebraska system of criminal justice; and

WHEREAS, the effective operation of our probation system depends upon quality of service and the just treatment of probation offices; and

WHEREAS, certain elements of the present probation system do not appear to foster a uniform quality of service to citizens or uniformly equitable treatment of probation officers.

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

1. That the Judiciary Committee perform an interim study of the probation systems in Nebraska as implemented by the district and county courts.

2. That the committee shall examine the levels of quality in service exhibited by the various probation programs as well as the general employment conditions of probation officers.

3. That the committee shall make a report of its findings together with any recommendation for legislative action it may formulate to the next regular session of the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Venditte asked unanimous consent to hold his pending amendment found in the Journal on page 918 until after other amendments are considered. No objections. So ordered.

Mr. Murphy renewed his pending amendment found in the Journal on page 733 to Article 3.

Mr. Murphy requested a roll call vote.

Mr. Venditte moved for a Call of the House. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

Voting in the affirmative, 28:

Bereuter	Carsten	Clark	Cope	Fitzgerald
George	Goodrich	Hefner	Kahle	Kelly
Kremer	Lamb	R. Lewis	Maresh	Marvel
Maxey	Mills	Moylan	Murphy	Rasmussen
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 11:

Barnett	Brennan	Chambers	Cullan	Fowler
Koch	Marsh	Merz	Newell	Nichol
Reutzel				

Present and not voting, 3:

DeCamp	Duis	F. Lewis

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

The Murphy amendment was adopted with 28 ayes, 11 nays, 3 present and not voting, and 7 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Simon offered the following amendment to LB 38:
That Sec. 34, 1 c not apply relating to the Murphy amendment penalty.

Mr. Barnett 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. Simon moved for a Call of the House. The motion lost with 16 ayes, 17 nays, and 16 not voting.

Mr. Simon requested a roll call vote on his amendment.

Voting in the affirmative, 13:

Bereuter	Cope	Fowler	Kahle	Koch
F. Lewis	Marsh	Merz	Mills	Moylan
Newell	Nichol	Simon		

Voting in the negative, 12:

Carsten	Clark	Kelly	Kremer	Lamb
R. Lewis	Maresh	Marvel	Rasmussen	Rumery
Venditte	Warner			

Present and not voting, 17:

Barnett	Brennan	Chambers	Cullan	DeCamp
Duis	Fitzgerald	George	Goodrich	Hefner
Maxey	Murphy	Reutzel	Savage	Schmit
Stoney	Swigart			

Excused and not voting, 7:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke			

The Simon amendment lost with 13 ayes, 12 nays, 17 present and not voting, and 7 excused and not voting.

Mrs. Maxey asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

Mr. Chambers offered the following amendment to Article 10.
Strike Article 10, except Sec. 237, 238, and 239.

The amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Laid over.

UNANIMOUS CONSENT—Print Amendment to LB 38A

Mr. Bereuter asked unanimous consent to print the following amendment to LB 38A in the Journal. No objections. So ordered.

AMENDMENT TO LB 38A

Insert a new Section 2: There is hereby appropriated twenty thousand seven hundred thirty six dollars from the General Fund to the Legislative Council, Agency 03 for Program 122, Legislative Services to aid in carrying out the provisions of Sections 345 to 349 of Legislative Bill 38, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT–Print Amendments to LB 121

Mr. Kelly asked unanimous consent to print the following amendments to LB 121 in the Journal. No objections. So ordered.

Amendments to LB 121

1. Strike the new language in the Committee amendment.
2. Page 2, line 21, after "(2)", strike the remainder of the line and all of line 22, and insert the following:

"~~the tenant may recover the property and money due him and reasonable attorney's fees.~~ , and such failure is willful and not in good faith, the tenant may recover the property and money due the tenant, an amount of one month's periodic rent as liquidated damages, and reasonable attorney's fees."

UNANIMOUS CONSENT–Print Amendment to LB 121

Mr. Nichol asked unanimous consent to print the following amendment to LB 121 in the Journal. No objections. So ordered.

Amendment to LB 121

1. Amend the Kelly amendment by adding at the end of the Kelly new language the following new language:

"If the tenant fails to comply with obligations secured by the deposit under this section, and such failure is willful and not in good faith, the landlord may recover the property and money due the landlord, an amount of one month's periodic rent as liquidated damages, and reasonable attorney's fees."

UNANIMOUS CONSENT – Member Excused

Mr. Nichol asked unanimous consent to be excused until this afternoon. No objections. So ordered.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 522. Placed on General File as amended. (Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office. Req. No. 2609)

MR. SAVAGE PRESIDING

RESOLUTION

LEGISLATIVE RESOLUTION 54. Considered.

MR. MARVEL PRESIDING

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays,and 22 not voting.

Mr. Barnett requested a record vote on LR 54.

Voting in the affirmative, 29:

Bereuter	Brennan	Clark	Cope	Fitzgerald
George	Goodrich	Hefner	Kahle	Kelly
Koch	Kremer	Lamb	F. Lewis	Maresh
Marsh	Marvel	Merz	Mills	Moylan
Murphy	Newell	Rasmussen	Reutzel	Savage
Simon	Stoney	Swigart	Venditte	

Voting in the negative, 1:

Barnett

Present and not voting, 10:

Carsten	Chambers	Cullan	DeCamp	Duis
Fowler	R. Lewis	Rumery	Schmit	Warner

Excused and not voting, 9:

Boughn	Burrows	Dworak	Hasebroock	Keyes
Labedz	Luedtke	Maxey	Nichol	

LR 54 was adopted with 29 ayes, 1 nay, 10 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT – Add Co-introducer to LR 51

Mr. Goodrich asked unanimous consent to add his name to LR 51. No objections. So ordered.

UNANIMOUS CONSENT – Members Excused

Messrs. Duis, Clark, Barnett, Fitzgerald, Brennan and F. Lewis asked unanimous consent to be excused this afternoon. No objections. So ordered.

Mr. Merz asked unanimous consent to be excused Monday, April 18, 1977 and Tuesday, April 19, 1977. No objections. So ordered.

VISITORS

The President introduced 32 4th, 5th, 6th and 7th grade students and teachers from Litchfield; 50 8th grade students and teachers from Our Lady of Lourdes School, Omaha; 14 8th grade students and teacher from Lake Alice School, Scottsbluff; 26 Golden State Boys Choir members and sponsors from San Jose, California; 30 7th grade students and sponsors from Kenesaw; 25 3rd grade students through senior high students of the Warnerville Ranger 4-H Club and leader from Norfolk; 60 AFLCIO members from Omaha and Lincoln; 24 4th grade students and sponsors from Hartley School, Lincoln; 34 4th and 5th grade students and teacher from Neligh Rural School, Antelope County; 41 4th grade students and teachers from Bennington School, Bennington; 11 3rd, 4th and 5th grade students and teacher from Burchard; 37 4th grade students from Millard Public School and Willa Cather School, Omaha and teacher; 9 7th and 8th grade students and teacher from Oconto.

RECESS

At 12:01 p.m., on a motion by Mr. Savage, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:10 p.m., Mr. Marvel presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Boughn, Burrows, DeCamp, Dworak, Luedtke, Keyes, Hasebroock, Clark, Fitzgerald, Brennan, F. Lewis, and Mrs. Labedz who were excused; Mr. Simon, Appropriations Committee and the Public Works Committee who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 516. Title read. Considered.

Standing Committee amendments found in the Journal on page 1121 for the Fifty-Second Day were adopted with 27 ayes, 0 nays, 3 present and not voting, and 19 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 2 present and not voting, and 20 excused and not voting.

UNANIMOUS CONSENT—Print in Journal

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

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
	)	
JOHN SALANITRO, et al,	)	
	)	
Defendants.)		CR75-0-47

In accordance with the accompanying memorandum of decision of today,

IT IS ORDERED that:

1. The list of names and addresses delivered by the court to the office of the Clerk of the Court with this order and labeled, "List of Witnesses for Disclosure to the City of Omaha," shall be retained in the office of the Clerk of the Court in Omaha, shall be kept out of public view, and shall be available only to Herbert M. Fitle, Omaha City Attorney, and any other members of his legal staff whom he selects and designates in writing;

2. The list of names and addresses delivered by the court to the office of the Clerk of the Court with this order and labeled, "List of Witnesses for Disclosure to the Counsel on Discipline of the Nebraska State Bar Association," shall be retained in the office of the Clerk of the Court in Lincoln, shall be kept out of public view, and shall be available only to Robert C. Blair, the Counsel on Discipline of the Nebraska State Bar Association;

3. The list of names and addresses delivered by the court to the office of the Clerk of the Court with this order and labeled, "List of Witnesses for Disclosure to Nebraska Commission on Judicial Qualifications," shall be retained in the office of the Clerk of the Court in Lincoln, shall be kept out of public view, and shall be available only to Paul L. Douglas, Attorney General of the State of Nebraska, and any other members of his legal staff whom he selects and designates in writing;

4. The contents of the foregoing lists shall be kept as fully confidential as possible by those to whom they are disclosed and shall be used only as a source of information for their own official duties; and

5. Upon completion of the investigations made possible by this order the statements taken or a summary of them may be delivered to the court

for a comparison by the court with testimony given by the same witnesses to the grand jury and for a decision by the court as to whether a disclosure of any further information from or any part of the transcript of the grand jury testimony is necessary.

Dated April 15, 1977.

BY THE COURT

(Signed) Warren K. Urbom
Chief United States District Judge

(Signed) John Denney
United States District Judge

(Signed) Albert G. Schatz
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	MEMORANDUM OF DECISION
	)	
	)	
JOHN SALANITRO, et al,	)	
	)	
Defendants.	)	CR75-0-47

For a year before March, 1975, a federal grand jury investigated gambling activities in Omaha and elsewhere in Nebraska. It returned an indictment against eighteen, charging operation of an illegal gambling business, conspiracy, and use of wire communication facilities to conduct an unlawful gambling business. Although no governmental official or employee was indicted, the indictment included declarations that some of the defendants:

> ". . . did conspire . . . 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 . . ."

and that a purpose of the conspiracy was to:

> ". . . corruptly endeavor to impede . . . the laws . . . by influencing the officials and employees of said State and City of Omaha, including but not limited to said Anthony Troia . . ."

The City of Omaha, the Counsel on Discipline of the Nebraska State Bar Association, the Nebraska Commission on Judicial Qualifications, and a member of the Judiciary Committee of the Nebraska Legislature have moved separately for disclosure of testimony given before the grand jury. A hearing on the applications was held by this court en banc on September 29, 1976. Between that date and this, we have read the transcript of the testimony of the one-hundred-plus witnesses who appeared before the grand jury and have awaited disposition of appeals of some of the defendants' convictions. In view of the approach we have decided to take, there is no need to wait longer.

I. LEGAL PREREQUISITES

A. Preliminary to or in Connection with a Judicial Proceeding

Congress has legislated on the subject of grand jury testimony in Rule 6(e) of the Federal Rules of Criminal Procedure, as follows:

> "Disclosure of matters occurring before the grand jury. . . .may be made to the attorneys for the government . . . Otherwise a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when so directed by the court preliminarily to or in connection with a judicial proceeding . . ."

The Rule affirms a policy of maintaining a veil of secrecy around grand jury proceedings and means that the veil is not to be pulled aside, except "to the attorneys for the government" or "preliminarily to or in connection with a judicial proceeding." Because an "attorney for the government" means only an attorney employed by the United States, 1/ and none of the applicants is within that definition, the first sentence of the rule is inapplicable to our present inquiry. The issue then becomes whether the applicants' requests are to acquire grand jury testimony either "preliminarily to or in connection with a judicial proceeding." We hold that they are.

The Municipal Code of the City of Omaha, authorized by Article VI of the City Charter, provides for the reprimand, suspension, demotion and dismissal of persons employed by the city. These actions may be taken by the department head and an appeal to the city's Personnel Board is authorized. Nothing has been found by us which permits any judicial proceeding as an extension of or an appeal from the decision of the Personnel Board. Separately, the city attorney and city prosecutor may

prosecute for criminal violations of city ordinances and state statutes, including those prohibiting gambling. The request of the City of Omaha is that we release that portion of the transcript of the grand jury testimony "which bears upon the alleged misconduct of Omaha city officials, past and present."

The Counsel on Discipline of the Nebraska State Bar Association draws his authority from Article III of the Revised Rules of the Supreme Court of the State of Nebraska, 1974, as amended July 2, 1975. Those Rules require him to investigate all allegations of misconduct of attorneys who are members of the Association. A series of steps leads, if the evidence warrants, from that investigation to a hearing before the Committee on Inquiry and then to a hearing before the Supreme Court of Nebraska, following which that court decides whether the attorney is guilty of misconduct and the discipline to be imposed. The Counsel on Discipline asks us to order release of all portions of the transcript containing the testimony of Anthony Troia, the testimony of any witnesses about any member of the Nebraska State Bar Association, including Anthony Troia, and the names of all persons who testified before the grand jury.

The Nebraska Commission on Judicial Qualifications has been organized under Section 24-715 et seq., Nebraska R.R.S. 1943, as amended. Its duties are to investigate all complaints with reference to the "acts, activities, or qualifications of any judge or justice of the courts of the State of Nebraska," hold hearings, and make recommendations to the Supreme Court of Nebraska, which has the authority to order the removal or retirement of any such judge or justice for specified reasons. The Commission on Judicial Qualifications asks us for disclosure of such part of the grand jury evidence as pertains "to the conduct of any judge of a court having jurisdiction over violations of the law of the State of Nebraska or the ordinances of the City of Omaha, Nebraska."

State Senator Ernest W. Chambers, a member of the Judiciary Committee of the Nebraska Legislature, seeks a disclosure of "any and all portions of the Grand Jury testimony and evidence which bear on the legitimate legislative and public interests" enumerated in his motion. He lists seven such interests, 2/ but only one can be said to be "preliminarily to or in connection with a judicial proceeding." That one, the removal from office of public officials, is created by Article III, Section 17, of the Constitution of the State of Nebraska, which reserves to the state legislature the sole power of impeachment and establishes a court of impeachment, consisting of the Supreme Court of Nebraska or all the judges of the District Court of the state, depending upon the office held by the person impeached. Article IV, Section 5, declares that "All civil officers of this state shall be liable to impeachment for any misdemeanor in office."

Each of these procedures for prosecuting violators of criminal laws, disciplining lawyers, removing judges, and impeaching state civil officers is designed to culminate in a judicial proceeding. Judge Learned Hand's definition of "judicial proceeding," stated in Doe v Rosenberry, 255 F.2d 118, 120 (C.A. 2nd Cir. 1958), is apropos:

> "... We cannot agree that the Rule should be limited to criminal proceedings; on the contrary we hold that, prima facie, the term 'judicial proceeding' includes any proceeding determinable by a court, having for its object the compliance of any person, subject to judicial control, with standards imposed upon his conduct in the public interest, even though such compliance is enforced without the procedure applicable to the punishment of crime. An interpretation that should not go at least so far, would not only be in the teeth of the language employed, but would defeat any rational purpose that can be imputed to the Rule."

All the requests of the applicants, therefore, are preliminary to or in connection with a judicial proceeding, 3/ except to the extent that the City of Omaha asks for information beyond that relating to matters subject to prosecution. The procedure for reprimanding, suspending, demoting and dismissing employees is not preliminary to or in connection with a judicial proceeding. 4/

B. Compelling and Particularized Need

Permeating Rule 6(e) is an additional requirement, implicitly but firmly imposed by history. Its articulation by the Supreme Court of the United States in United States v Procter & Gamble, 356 U.S. 677, 681 (1958), in deciding whether disclosure of matters adduced before a grand jury should be ordered, was as follows:

> " . . . |W|e start with a long-established policy that maintains the secrecy of the grand jury proceedings in the federal courts. |Citations omitted.| The reasons are varied . . ."

A footnote at that point says:

> "In United States v Rose, 215 F. 2d 617, 628-629, those reasons were summarized as follows: (1) To prevent the escape of those whose indictment may be contemplated; (2) to insure the utmost freedom to the grand jury in its deliberations, and to prevent persons subject to indictment or their friends from importuning the grand jurors; (3) to prevent subornation of perjury or tampering with the witness who may testify before grand jury and later appear at the trial of those indicted by it; (4) to encourgage free and untrammueled disclosures by persons who have information with respect to the commission of crimes; (5) to protect innocent accused who is exonerated from disclosure of the fact that he has been under investigation, and from the expense of standing trial where there was no probability of guilt."

The Supreme Court went on:

> " . . . This 'indispensable secrecy of grand jury proceedings,' [citations omitted] must not be broken except where there is a compelling necessity."

In that case the court held that the district court had erred in ordering production of testimony given before the grand jury. It was a civil antitrust case in which it was shown that the government was using the grand jury testimony to present its case and the defendants wanted the same privilege. Needed, said the Supreme Court, was a "much more particularized, more discrete showing of need" for the "wholesale" production of the grand jury transcript. The necessity of a showing of a "particularized need" was reaffirmed in Pittsburgh Plate Glass Co. v United States, 360 U.S. 395 (1959).

Secrecy was dyed into the fabric of the grand jury proceedings long before our nation's birth 5/ and became permanent by the Constitution's explicit guarantee that the grand jury would be retained as an institution. While states may do as they choose with secrecy as a concept, we are impelled by our past to treat secrecy as being indelibly within the nature of the federal grand jury. It is entitled to a dignity of its own. Accordingly, lack of a reason for secrecy in a particular case is not enough to trigger disclosure of federal grand jury testimony; only a demonstrable need for opening the proceedings will do. 6/ Moreover, an opening should be no wider than the need demands.

Therefore, we must analyze whether each of the applicants has shown affirmatively a compelling and particularized need for the portion of the transcript sought.

Wherever charges of corruption of public officials and employees surface, pointed attention to them is deserved. The integrity of the courts is shaken by every misconduct of judges or lawyers, who are the courts' officers. Neither the executive nor the legislative arm of government is worthy of confidence, if its officers are corrupt. A federal grand jury here has declared the existence of a criminal conspiracy by unnamed "officials and employees . . . of the State . . . and its political subdivisions." Reestablishing faith in state and city governments by proving or disproving the faithfulness of their officials is a goal with enough urgency to carry a major part of a compelling and particularized need. 7/ Unless the information held by the grand jury can be acquired readily another way, the primacy of the goal should be enough to allow revelation of the grand jury testimony.

Little, if any, can be obtained by other means, as things stand now. The only names that have come to any of the applicants, evidently, are those of one lawyer and one municipal judge. The lawyer, Anthony Troia, was 8/ named in the indictment, but the indictment went on to assert that the defendants conspired with Troia "and with other officials and employees" of the state and city. The wording can hardly be interpreted to mean Troia

and one municipal judge. No other clue to the identity of the other "officials and employees" appears in the indictment. Under those circumstances, none of the applicants is in a position to know whether or not it or he has investigated the people or events being described by the grand jury or has talked to the persons who know the facts about those events. Because of the specific facts outlined above, we conclude that a compelling and particularized need has been shown for an in camera examination of the grand jury transcript and, in light of that examination, which we have made, for some additional disclosure, the extent of which will be as restricted as is consistent with the foregoing analysis.

By ordering relief we do not intimate that there is in the transcript any evidence of a conspiracy touching any officials or employees of any governmental unit. But there is evidence of other subjects within the purview of three of the applicants. We express no view as to whether any person about whom testimony was given was or was not engaged in any impropriety or whether any of the testimony amounts to a basis for any action by any of the applicants. We say only that some disclosures need to be made to enable three of the applicants to make decisions.

II. RELIEF

The entire transcript of the testimony of those appearing before the grand jury has been read by us. We say categorically that there is no evidence in the transcript of any misdemeanor by any civil officer, past or present, of the State of Nebraska. "Civil officer" means a holder of a constitutional or statewide office. 10/ Because the only persons over which the legislature of the State of Nebraska has impeachment power are "civil officers," and because impeachment is the only basis which we are permitted to recognize for disclosure to Senator Chambers on behalf of the Legislature, there is no necessity shown for disclosure of any of the testimony to him.

To the City of Omaha we shall reveal the names and addresses of those persons who gave testimony which could be interpreted as indicating criminal activity by one or more of the city's officers or employees and a general description of the subject matter of the testimony.

To the Counsel on Discipline of the Nebraska State Bar Association we shall disclose the names and addresses of those witnesses who gave testimony which could be interpreted as indicating criminal or professionally unethical activity by one or more lawyers and a general description of the subject matter of the testimony.

To the Nebraska Commission on Judicial Qualifications we shall state the names and addresses of the witnesses who gave testimony which could be interpreted as indicating criminal or professionally unethical activity by one or more judges and a general description of the subject matter of the testimony.

Interviews of these witnesses by the applicants 11/ may produce all the information that was given to the grand jury. If that happens, it is

doubtful that there will be any need for turning over any of the transcript of the testimony given to the grand jury. 12/ Upon motion of an applicant after completion of the applicant's investigation, however, we are prepared to compare the statement to the applicant by an interviewee with the testimony to the grand jury by the same interviewee to determine whether any need remains for turning over any part of the transcript of the grand jury testimony. While we know that this disposition places greater work upon the applicants and upon the court than would an opening now of the transcript itself to the applicants, we think our order is consistent with the strict requirements of the law, as addressed in this memorandum. 13/

Dated April 15, 1977.

BY THE COURT
(Signed) Warren K. Urbom
Chief United States District Judge

(Signed) John Denney
United States District Judge

(Signed) Albert G. Schatz
United States District Judge

Footnote 1/ Rule 54(c) defines it as "the Attorney General, an authorized assistant of the Attorney General, a United States Attorney, and authorized assistant of a United States Attorney and when applicable to cases arising under the laws of Guam . . . the Attorney General of Guam or such other person or persons as may be authorized by the laws of Guam to act therein."

Footnote 2/ These matters are listed by Senator Chambers in his motion:

"(a) revision of Nebraska criminal statutes;
(b) enforcement of Nebraska criminal statutes;
(c) revision of Nebraska criminal procedure;
(d) performance of statutory duties by public officials;
(e) qualifications for various public offices;
(f) removal from office of public officials;
(g) federal-state relationships relative to the above subjects."

Footnote 3/ Accord: In re Special February 1971 Grand Jury, Jachimowski v Conlisk, 490 F.2d 894 (C.A. 7th Cir. 1973), ordering release for a police disciplinary investigation; In re Grand Jury Transcripts, 309 F. Supp. 1050 (U.S.D.C. S.D. Ohio 1970), directing disclosure for a police disciplinary investigation; In re Bullock, 103 F. Supp. 639 (U.S.D.C. D.C. 1942), ordering disclosure to a police disciplinary board of the testimony of the police officer under investigation only; In re Report and Recommendation of June 5, 1972 Grand Jury Concerning Transmission of Evidence to the House of Representatives, 370 F. Supp. 1219 (U.S.D.C.

D.C. 1974), authorizing release to the Judiciary Committee of the United States House of Representatives; and In the Matter of Petition for Disclosure of Evidence Before the October, 1959 Grand Jury of This Court, 184 F. Supp. 38 (U.S.D.C. E. D. Va. 1960), permitting release to the prosecuting attorney of a state.

Footnote 4/ In the Matter of Petition for Disclosure of Evidence Before the October, 1959 Grand Jury of This Court 184 F. Supp. 38 (U.S.D.C. E.D. Va. 1960), refusing at p. 40 disclosure to extent that city sought it for evidence of "misbehavior" not indictable or prosecutable as crime.

Footnote 5/ Pittsburgh Plate Glass Co. v United States, 360 U.S. 395, 399 (1959). See 8 Wigmore, Evidence Section 2360 (McNaughton rev. 1961), showing a positive affirmation of secrecy dating back at least to the late 17th century in England.

Footnote 6/ As put by Chief Judge Clary in City of Philadelphia v Westinghouse Electric Corp., 210 F. Supp. 486, 489 (U.S.D.C. E.D.Pa. 1962):

> " . . . [D]isclosure cannot be compelled by the negative fact that there may be no immediate need for secrecy, but only by the positive need for disclosure,"

Footnote 7/ Similar grounds have been relied upon by other courts. See, for example, In re Special February 1971 Grand Jury, Jachimowski v Conlisk, 490 F.2d 894, 898 (C.A. 7th Cir. 1973); In re Report and Recommendation of June 5, 1972 Grand Jury Concerning Transmission of Evidence to the House of Representatives, 370 F. Supp. 1219 (U.S.D.C. D.C. 1974); In re Bullock, 103 F. Supp. 639 (U.S.D.C. D.C. 1952).

Footnote 8/ After the indictment was returned, Judge Schatz ordered Troia's name stricken.

Footnote 9/ We adopt the broadest possible meaning of "misdemeanor," which is the basis for impeachment. Senator Chambers' brief suggests the word means "violation of a positive statute amounting to a crime, or willful neglect of duty with corrupt intent or gross negligence inferring willful or corrupt intent." Cited is State v Hastings, 37 Neb. 96, 55 N.W. 774 (1893), which supports that definition. We accept that definition for purposes of this case.

Footnote 10/ Conroy v Hallowell, 94 Neb. 794, 144 N.W. 895 (1913); Laverty v Cochran, 132 Neb. 118, 271 N.W. 354 (1936); Fitzgerald v Kuppinger, 163 Neb. 286, 79 N.W.2d 547 (1956); State ex rel. Beck v Obbink, 172 Neb. 242, 109 N.W.2d 288 (1961).

Footnote 11/ Some of the witnesses have already been interviewed by at least one of the applicants, but our describing additional subject matters may prompt a wider discussion than has been held so far.

Footnote 12/ See In re Halovachka, 317 F.2d 834 (C.A. 7th Cir. 1963).

Footnote 13/ For example of somewhat similar techniques see Beatrice Foods Co. v United States, 312 F.2d 29 (C.A. 8th Cir. 1963), and cases cited at 38; City of Philadelphia v Westinghouse Corporation, 210 F. Supp. 486 (U.S.D.C. E.D. Pa. 1962).

GENERAL FILE

LEGISLATIVE BILL 509. Title read. Considered.

Standing Committee amendments found in the Journal on page 1145 for the Fifty-Third Day were adopted with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

Laid over.

Mr. Moylan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 390. Title read. Considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 14 ayes, 2 nays, and 33 not voting.

Advanced to E & R for Review with 26 ayes, 1 nay, 8 present and not voting, and 14 excused and not voting.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

LEGISLATIVE BILL 390A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 161. Title read. Considered.

Standing Committee amendments found in the Journal on page 1081 for the Fifty-First Day were adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Mr. Stoney renewed his pending amendments found in the Journal on page 1082 and 1416.

The Stoney amendment on page 1416 was adopted with 17 ayes, 0 nays, 17 present and not voting, and 15 excused and not voting.

The Stoney amendment on page 1082, as amended, was adopted with 26 ayes, 0 nay, 8 present and not voting, and 15 excused and not voting.

Mr. Murphy offered the following amendment:
Amend 161
Page 11 line 16 after "thereof" add "Any action of the Commission shall require at least four votes."

The amendment w adopted with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nay, 7 present and not voting, and 15 excused and not voting.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 161A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 162. Title read. Considered.

Standing Committee amendments found in the Journal on page 1082 for the Fifty-First Day were considered.

Standing Committee amendment No. 1 was adopted with 25 ayes, 0 nays, 9 present and not voting and 15 excused and not voting.

Mr. Cope asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Barnett offered the following amendment to Standing Committee amendment No. 2:
Delete line 3 of No. 2 of Committee Amendment

The amendment was adopted with 16 ayes, 0 nays, 17 present and not voting, and 16 excused and not voting.

Standing Committee amendment No. 2, as amended, lost with 22 ayes, 4 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 338

Mr. Duis asked unanimous consent to print the following amendments to LB 338 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 338

1. In the Standing Committee amendments, subsection (1) of section 2, page 1280 of the Journal, line 2 strike "its principal office" and insert "the bank to be substituted"; lines 4 and 5 strike "each of its affiliated banks" and insert "the affiliated bank"; in line 6 strike "each" in line 7 strike "ex parte" and insert "by the trust company seeking substitution"; in subsection (2) of section 2, in lines 26 and 27 strike "each of its" and insert "the"; and in line 27 strike "banks" and insert "bank".

MOTION–Withdraw LB 527

Mr. Kahle moved to withdraw LB 527.

Motion pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 81, 81A, 201, and 366.

(Signed) Samuel K. Cullan, Chairman

GENERAL FILE

LEGISLATIVE BILL 485. Title read. Considered.

Standing Committee amendments found in the Journal on page 1267 for the Fifty-Eighth Day were adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Mr. Rasmussen offered the following amendment:
In Committee amendments strike after the word party
Sub Line 2, 3, 4 of line 27.

The amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 328. Title read. Considered.

Standing Committee amendments found in the Journal on page 1269 for the Fifty-Eighth Day were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Kelly asked unanimous consent to be excused for a short time. No objections. So ordered.

Advanced to E & R for Review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

UNANIMOUS CONSENT–Print Amendment to LB 162

Mr. Stoney asked unanimous consent to print the following amendment to LB 162 in the Journal. No objections. So ordered.

On Page 6, Reinstate the stricken matter and strike the new matter in Lines 3, 4, 6, 7 and 8, and in Lines 4 and 8, strike "Thirty" and insert "~~Thirty~~ Ninety"

GENERAL FILE

LEGISLATIVE BILL 344. Title read. Considered.

Standing Committee amendments found in the Journal on page 1269 for the Fifty-Eighth Day were adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Mills moved the adoption of the following Hasebroock amendment:
Add the emergency clause.

The amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

MR. MARVEL PRESIDING

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Standing Committee amendments found in the Journal on page 1278 for the Fifty-Eighth Day were considered.

Mr. Schmit moved for a Call of the House. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

Mr. Schmit moved the Call be raised. The motion prevailed with 15 ayes, 4 nays, and 30 not voting.

Standing committee amendments were adopted with 25 ayes, 2 nays, 5 present and not voting, and 17 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 309. Placed on General File as amended.
(Standing Committee amendments printed separate from the Journal and on file in the Clerk's Office Req. No. 2573)

LEGISLATIVE BILL 526. Placed on General File as amended.
Standing Committee amendments to LB 526:

1. On page 2, strike beginning with "the" in line 22 through "Legislature" in line 24 showing the old matter as stricken and insert "January 15".

2. On page 3, lines 1 and 2 strike "the thirtieth day" and insert "February 1".

(Signed) Jerome Warner, Chairman

VISITORS

The President introduced 21 8th grade students and teacher from Clearwater; 9 6th and 7th grade students and teacher from St. Marys School, Lincoln; 14 kindergarten through 8th grade students and teacher from Weston; 23 8th grade students and teacher from St. Marys School, Bellevue; Scott Kenney and Mike Munson from Lincoln.

ADJOURNMENT

At 4:17 p.m., on a motion by Mr. Barnett, the Legislature adjourned until 10:00 a.m., Monday, April 18, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FOURTH DAY--APRIL 18, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 18, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, Your Son rose from the dead and ascended into heaven. From there he will come to judge the living and the dead.
>
> Help us to keep our life fixed on the fact that we are to follow Him; that He went to prepare a place for us; otherwise, why would He have said, "In my Father's house there are many mansions"?
>
> Let us not forget that while He prepares a place for us; and draws us to Himself -- we will be judged and our actions and intentions will be the determining factor. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Merz, Hasebroock, and Warner who were excused; Messrs. F. Lewis, Reutzel, and Simon who were excused until they arrive; and Mr. Newell who was absent until 10:25 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1418, line 2, correct spelling of "LOBBYISTS".
Page 1439, last line, insert: "(Signed) Jerome Warner, Chairman".
The Journal for the Sixty-Third Day was approved as corrected.

MESSAGE FROM THE GOVERNOR

April 15, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 208, 305, 305A, 345, 467, 484, and 498.

These bills were signed by me on April 14, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

April 15, 1977

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

Dear Mr. President and Senators:

Today, the fifteenth of April, 1977, I had my first opportunity to review the 1977-78 budget bills written by your Appropriations Committee. I understand that these bills are scheduled for General File consideration next Monday, the eighteenth of April.

While I have not been able as yet to review each bill thoroughly, one item in these bills stands out either as an oversight or as a drastic change in the Nebraska's state aid to education program. In LB532, Section 45 (3), an appropriation of $56,901,166 General Fund is made to the Department of Education, of which, I presume, $55 million is for state aid. There is no further mention, however, of how this aid is to be distributed. In the appropriation act of the current year, (and in my budget bill for 1977-78), there is specific and necessary language which allocates forty-five of the fifty-five million to the School Foundation and Equalization Fund, and the ten million dollar remainder to schools on a per pupil basis. Without language to allocate a part of the fifty-five million dollar to the School Foundation and Equalization Fund, it appears that the entire amount will be distributed on a per pupil basis for 1977-78.

As previously stated, I have not had the opportunity to review all the bills thoroughly, nor to discuss the implications of these bills with the various state agencies. There may be other problems with the bills which will surface with time.

I urge appropriate caution before you enact these measures into law, as it is evident that either there has been a drastic change in the distribution formula without public hearing or another monumental goof has been made in the Legislature's drafting procedures.

Yours truly,

(Signed) J. James Exon
Governor

JJE/ms

LETTER FROM APPROPRIATIONS COMMITTEE CHAIRMAN

April 18, 1977

Mr. President,
Mr. Speaker,
Members of the Legislature:

In response to the Governor's letter relative to LB 532, I wish to point out that neither a "monumental goof" nor a "drastic change in the state aid program" are contained in Program 143 of Agency 13, the State Department of Education.

The Appropriations Committee recognized in January that the Legislature's past practice of including intent or directive language in the appropriation bills was subject to question, both as a result of opinions from the Attorney General's office, as well as pending court cases. As a result, we planned to introduce "Intent Bills" as companions to the appropriation bills. These bills will contain the suggested legislative direction to agencies to insure that the policies of the Legislature are carried out by the several agencies.

In some instances, the language will be in both the appropriation bills and the "intent bills." The appropriateness as to the placing of this language in the "intent bill" or the appropriation bill, or in both, will be recommended to the body on an agency by agency basis. Those of you who have attended the briefing sessions have heard this approach discussed and the benefit will become apparent as the bills are discussed on general file.

The Legislature, unlike the other two branches of state government, makes each individual decision publicly and as a result it will only be when the total group of decisions is made and incorporated into the various bills that the existence (if any) of errors or omissions can be pointed out. By contrast, the executive branch can restrict publication of its

recommendations until they are completed and introduced as a package. It is unfortunate that the Governor would seek to be critical by using the open legislative decision process while ignoring the additional information which his own staff has had every opportunity to be aware of in this year's appropriations process.

Sincerely,

(Signed) Jerome Warner, Chairman
Appropriations Committee

Jw/ea

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 398. Replaced on Select File as amended.
E & R amendments to LB 398:

1. In the Newell amendment, line 6, strike the comma.
2. Renumber original section 1 as section 2 and the new section added by the Newell amendment as section 1.
3. In the title, strike lines 2 to 6 and insert "FOR AN ACT relating to public employees; to permit political activities by employees of the state or any political subdivision thereof except as prescribed; to amend section 81-809, Reissue Revised Statutes of Nebraska, 1943; and to repeal the".

Correctly Enrolled

The following bills were correctly enrolled: 90, 124, 173, 260, 291, 302, 302A, 333, 337, 478, 497, 500, 506, and LR 54.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: 90, 124, 173, 260, 291, 302, 302A, 333, 337, 478, 497, 500, 506, 80, 494, 494A, 274, 86, 283, 324, 353, 511, 513, 514, LR 46, LR 50, LR 52, LR 53, and LR 54.

MOTION–Override Veto on LB 79

Mr. Cope moved to override the Governor's veto on LB 79.

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.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 23:

Barnett	Bereuter	Boughn	Chambers	Cope
Fowler	Goodrich	Hefner	Kahle	Kelly
Koch	F. Lewis	Luedtke	Marsh	Maxey
Moylan	Murphy	Nichol	Rumery	Savage
Simon	Swigart	Venditte		

Voting in the negative, 20:

Brennan	Burrows	Carsten	Clark	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Keyes
Labedz	Lamb	R. Lewis	Maresh	Marvel
Mills	Newell	Rasmussen	Reutzel	Stoney

Present and not voting, 3:

George	Kremer	Schmit

Excused and not voting, 3:

Hasebroock	Merz	Warner

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—Reconsider Action on LB 62

Mr. Chambers renewed his pending motion found in the Journal on page 1366 to reconsider action on LB 62 to place on General File.

The motion to reconsider prevailed with 27 ayes, 9 nays, 10 present and not voting, and 3 excused and not voting.

MOTION—Place LB 62 on General File

Mr. Chambers renewed his previous motion found in the Journal on page 1207 to take LB 62 from Committee and place on General File in accordance with Rule 3, Sec. 10.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Chair ruled the motion prevailed with 29 ayes, 15 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Stoney challenged the ruling of the Chair on the number of votes required to place LB 62 on General File.

The question is, "Shall the Chair be overruled?" The motion lost with 18 ayes, 23 nays, 5 present and not voting, and 3 excused and not voting.

The Chair was sustained.

UNANIMOUS CONSENT–Final Reading of LB 273

Mr. Luedtke asked unanimous consent to have LB 273 laid over on Final Reading. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 33. Considered.

Mr. Cullan withdrew his pending amendment found in the Journal on page 1379.

Mr. Murphy renewed his pending amendment found in the Journal on page 1379.

Mr. Koch asked unanimous consent to stay on LB 33 until it's finished on General File. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Murphy moved for a Call of the House. The motion lost with 13 ayes, 14 nays, and 22 not voting.

Mr. Murphy requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Carsten	Cope	DeCamp	Kelly	R. Lewis
Marvel	Maxey	Murphy	Rasmussen	

Voting in the negative, 24:

Bereuter	Burrows	Cullan	Dworak	Fitzgerald
Fowler	George	Goodrich	Kahle	Koch
Lamb	F. Lewis	Luedtke	Maresh	Marsh
Mills	Moylan	Nichol	Reutzel	Rumery
Schmit	Simon	Stoney	Swigart	

Present and not voting, 12:

Barnett	Boughn	Brennan	Chambers	Duis
Hefner	Keyes	Kremer	Labedz	Newell
Savage	Venditte			

Excused and not voting, 4:

Clark	Hasebroock	Merz	Warner

The Murphy amendment lost with 9 ayes, 24 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:

1. On page 6, line 15 strike "eligible to be" and show as stricken; in line 15 after "," insert "regardless of the distance such pupils are transported and"; in line 16 after "order" insert "," and strike "and"; and in line 17 strike "according to the provisions of section 79-490," and show as stricken.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 7 nays, and 30 not voting,

Mr. F. Lewis offered the following amendment to the Lamb amendment:

Add new language no students except those specific required by law shall be transported by the school district unless the students lives outside the four mile limit.

The F. Lewis amendment to the Lamb amendment was adopted with 19 ayes, 10 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Lamb withdrew his amendment.

Mr. Cullan offered the following amendment to LB 33:

On page 14, line 1 strike "section" and insert "sections 79-1340 and."

The Cullan amendment lost with 14 ayes, 17 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Koch moved to advance LB 33 to E & R for Review.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 12 nays, and 20 not voting.

The motion to advance pending.

UNANIMOUS CONSENT–Print Amendments to LB 518

Mr. Kelly asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

Section 3, on page 3, line 22, strike: "Effective January 1, 1978," and insert "For the fiscal year 1978-1979."
Section 4, page 4, line 6 strike "(2)" and insert "(3)"
Section 5, page 4, line 7 strike "Effective January 1, 1979," and insert "For the fiscal year 1979-1980."
Section 6, page 4, line 17 strike "(3)" and insert "(2)".
Section 7, page 4, line 18 strike "January 1, 1980, and each" and insert "with fiscal year 1980-81 and each fiscal"

UNANIMOUS CONSENT–Print Amendments to LB 390

Mr. Mills asked unanimous consent to print the following amendments to LB 390 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 390

1. Insert two new sections as follows:

"Sec. 2. A grower who has sold wheat and has the excise tax required by section 1 of this act deducted from the sale price may, by written application to the department, secure a refund of any amount of excise tax in excess of five dollars which has been deducted. The grower shall not be eligible for the refund after thirty days from the date of deduction. The refund shall be payable by the department within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.

Sec. 3. The first purchaser who collects the excise tax required by section 1 of this act shall be entitled to retain one-sixteenth of one mill per bushel as reimbursement for the clerical work of collecting and remitting such excise tax.".

2. Renumber original section 2 as section 4.

UNANIMOUS CONSENT—Print Amendments to LB 38

Mr. Venditte asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

LB 38 Article 8

1) Page 126 line 14 after prostitution scratch
all new language.
2) Page 126 line 15 reinsert Class II misdemeanor.
3) Page 127 line 14 reinsert Class IV felony.

Mr. Chambers asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

TO AMEND LB 38

1. Page 20, Before the letters (b) in line 6 and (c) in line 8, insert "and".
   LINE 15, after the period, ADD: "Provided, nothing in this section shall prohibit or restrict any person restrained pursuant to this section from maintaining any applicable civil remedy if no theft has occurred."
2. Page 34, Strike subdivision (c) in lines 23-25;
   Line 27, Strike, "or (c)".
3. Page 39, Lines 17 and 22, Strike, "or other person"; Insert : "or other medical practitioner licensed under the laws of this state".
4. Page 67, Line 10, After "possessing", ADD, "cured".
5. Page 68, Strike Lines 1 - 5.
6. Page 71, Line 14, After "shall", ADD, "induce or entice any person to".
7. Page 78, after Line 25, ADD:

For the purpose of establishing and maintaining legislative oversight and accountability, the Appropriations Committee of the Legislature shall formulate record keeping procedures to be adhered to by the Nebraska State Patrol for all expenditures, disbursements and transfers of cash from the Drug Control Cash Fund. The procedures shall be formulated no later than January 1, 1978 and implemented by the State Patrol within thirty days thereafter. Based on these record keeping procedures, the State Patrol shall prepare and deliver to the Legislature at the commencement of each succeeding Session a detailed report which shall contain but not be limited to

(a) Current total in the Cash Fund, (b) total amount of expenditures, (c) purpose of the expenditures: (i) salaries and/or expenses of all agents and informants, (ii) front money for drug purchases, (iii) names of drugs and quantity of purchases, (iv) amount of front money recovered. (d) total number of informers on payroll, (e) amounts delivered to Patrol supervisors for distribution to agents and informants and the method of accounting for such transactions and the results procured through such transactions.

8. Page 81, Line 8, after "the", ADD, "property division of the law enforcement agency which employs the officer who seized"; STRIKE, "officer seizing".
9. Page 85, Strike lines 12 - 17 (subdivision (3)).
10. Page 112, Strike lines 2 - 13 (section 138).

11. Pages 118, 119; Strike section 147.
12. Page 119; Strike section 148.
13. Page 129, line 11: Strike "counsels".
14. Page 150, Strike lines 21 - 23.
15. Pages 230, 231; Strike subdivision (3).

ANNOUNCEMENTS

Mr. Schmit announced an executive session of the Agriculture and Environment Committee at 12:00 noon under the North balcony.

The Clerk announced a meeting of the Appropriations Committee at 12:15 p.m.

EXPLANATION OF VOTE

Had I been present on April 13, 1977, I would have voted "aye" on LB 274; had I been present on April 14, 1977, I would have voted "aye" on LB 80, LB 494 and LB 494A; had I been present on April 15, 1977, I would have voted "aye" on LB 90, LB 90A, LB 124, LB 173, LB 260, LB 291, LB 302, LB 302A, LB 333, LB 337, LB,478, LB 497, LB 500 and LB 506.

(Signed) Roland A. Luedtke

VISITORS

The President introduced Mr. John Hewitt, Broadcast Executive with the Associated Press, Des Moines, Iowa; Mr. John Holliman, AP Radio, National Agriculture, Washington, D.C.; 35 seniors and teacher from Friend; 17 11th and 12th grade students, teacher ans sponsors from Elgin Pope John, Elgin; 35 5th and 6 grade students, teachers and adults from Humphrey Public School, Humphrey; 75 6th grade students, teachers and parents from Avery School, Bellevue; Mr. Dennis M. P. Costello of Omaha.

RECESS

At 12:04 p.m., on a motion by Speaker Luedtke, 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. Merz who was excused; and Messrs. Mills and Schmit who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 18, 1977, at 1:35 p.m., were the following bills: 80, 494, 494A, 274, 86, 283, 324, 353, 511, 513, and 514.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 347. Placed on General File as amended.
Standing Committee amendments to LB 347:

1. On page 5, line 18, strike "(1)"; and strike lines 26 and 27.
2. On page 6, strike lines 1 to 19.

LEGISLATIVE BILL 349. Placed on General File as amended.
Standing Committee amendments to LB 349:

1. On page 2, strike beginning with "Provided" in line 10 through the semicolon in line 20 and show as stricken.
2. On page 3, line 21 strike "within one hundred twenty days"; and in line 22 strike "effective" and insert "operative" and after "act" insert "and prior to July 1, 1978".
3. Insert three new sections to read:

"Sec. 3. All school employees not required to hold a certificate, diploma, or credentials to practice in a professional capacity who are employed after January 1, 1978, and prior to July 1, 1978, shall have until June 30, 1978, to file with the retirement board an election not to be included in the membership of the retirement system established pursuant to Chapter 79, article 15, and such election shall be in writing on forms prescribed by the retirement board and any person so electing waives all rights within the system except to a refund of his accumulated contributions. All such employees employed on or after July 1, 1978 shall become members of such retirement system as soon as they are employed and shall not have a right to elect out of such retirement system.

Sec. 4. Any individual who, having attained his or her sixty-first birthday on or before July 1 last preceding the date of employment, shall not become a member of the retirement system established pursuant to Chapter 79, article 15.

Sec. 5. This act shall become operative January 1, 1978.".

2. Renumber original section 3 as section 6.

LEGISLATIVE BILL 2. Indefinitely postponed.

(Signed) William H. Hasebroock, Chairman

GENERAL FILE

LEGISLATIVE BILL 33. Considered.

Mr. Koch renewed his pending motion found in this day's Journal to advance LB 33 to E & R Review.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Koch moved for a Call of the House. The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 25:

Barnett	Bereuter	Boughn	Carsten	Cope
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Keyes	Koch	F. Lewis	Luedtke
Marsh	Maxey	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Warner

Voting in the negative, 19:

Brennan	Burrows	Clark	Cullan	Dworak
Hefner	Kelly	Kremer	Labedz	Lamb
R. Lewis	Maresh	Marvel	Mills	Moylan
Murphy	Rasmussen	Stoney	Swigart	

Present and not voting, 4:

Chambers	DeCamp	Kahle	Venditte

Excused and not voting, 1:

Merz

Advanced to E & R for Review with 25 ayes, 19 nays, 4 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 520. Placed on General File as amended.
Standing Committee amendments to LB 520:

1. On page 3, after line 8 insert a new section:

"Sec. 3. On July 1, 1978 all micrographic production, processing, and viewing equipment currently owned by any state agency, except the University of Nebraska or the state colleges, shall become the property of the State Records Administrator."; in line 15 strike "and"; and after line 19 insert a new subdivision as follows:

"(4) After July 1, 1978, be empowered to determine the operating locations of all micrographic equipment in his possession.".

2. On page 4, line 1 after the period insert: "On July 1, 1978 and thereafter the State Records Administrator shall extend this system of charges to include source document microfilming."; and in line 12 after the period insert: "After July 1, 1978 this fund may be used to receipt and expend funds pursuant to section 5 of this act for the provision of source document microfilming.".

3. Insert a new section 8 as follows:

"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.".

4. Renumber original sections 3 to 6 as sections 4 to 7 respectively.

(Signed) Jerome Warner, Chairman

Public Works

LEGISLATIVE BILL 247. Placed on General File as amended.
Standing Committee amendments to LB 247:

1. On page 2, line 8 strike "waste and"; in line 17 after "mean" insert "and include"; in line 18 strike beginning with "obtain" through "use" in line 19 and insert "make the water well usable for the purpose for which it is intended"; and in line 26 strike "by any method which is capable" and insert "for the purpose".

2. On page 6, line 8 strike original subsection (13) and insert a new subsection as follows: "(13) Abandoned water well shall mean a well which has not been used for a period of three consecutive years, unless the owner declares his intention to use the well again for supplying water and maintains that well in a manner consistent with that intent. Registration of any replacement well in accordance with section 46-602 shall constitute conclusive evidence that the well being replaced has been abandoned.".

3. On page 8, line 2 strike beginning with "One" through "shall" in line 3 and insert "The department shall designate an individual to".

4. On page 11, line 21 strike beginning with the second "and" through "wells" in line 22.

5. On page 12, line 2 after the period insert "Such rules, regulations and standards shall recognize differing hydrologic and geologic conditions and shall be designed to promote efficient methods of operation and to prevent water wells, septic tanks, and household sewage disposal systems from becoming a source of contamination to the aquifer."; and in line 9 strike beginning with the second "and" through the period in line 11.

6. On page 17, line 8 after "thereto" insert "or violation of the rules and regulations of the Department of Water Resources pertaining to abandonment of wells pursuant to section 46-602".

7. Strike section 10 and insert a new section 10 as follows:

"Sec. 10. The department shall not (1) adopt rules and regulations or standards pertaining to septic tank installation contractors, the installation of septic tanks or household sewage disposal systems, the cleaning or servicing of septic tanks or household sewage disposal systems, or any other matters concerning septic tank installation contractors; (2) set reasonable license fees by regulation for septic tank installation contractors; (3) formulate examinations for licensure for septic tank installation contractors; or (4) issue, deny, refuse renewal of, suspend, or revoke any license to engage in the installation of septic tanks or household sewage disposal systems, without the prior written approval and concurrence of the Department of Environmental Control. The Department of Health and the Department of Environmental Control shall enter into an agreement pursuant to the provisions of Chapter 23, article 22, for the purpose of providing for an efficient and cooperative administration and enforcement by the two agencies of the provisions of this act pertaining to septic tank installation contractors and any standards and rules and regulations adopted pursuant thereto.".

8. On page 20 strike beginning with "All" in line 2 through the period in line 7, in line 9 after "any" insert "test or," and after "wells" insert ", in accordance with the rules and regulations adopted by the Department of Water Resources,"; and in line 14 after "estate" insert ", as required by section 11 of this act,".

9. On page 22, line 17 after the first "a" insert "test well, exploratory well,".

10. Insert a new section 17 as follows:

"Sec. 17. That section 46-603, Revised Statutes Supplement, 1976, be amended to read as follows:

46-603. (1) Any person actually drilling any well, except wells to be used solely for domestic purposes, either on his own account or for hire, shall keep an accurate log in triplicate, on certificate of well driller forms to be furnished by the Director of Water Resources, of the depth, thickness, and character of the different strata penetrated and the location of water-bearing strata.

The certificate of the well driller shall also contain the dates of beginning and completion of work, the length, size, and weight of the casing and the method of its placement, the size of the drilled hole, where the drilled hole is sealed, type of seal used, the legal description of the land on which the well is drilled, and such other data as the Director of Water Resources may reasonably required. The certificate of the well driller, which shall be accompanied by three copies of the registration form required by section 46-602, shall be transmitted by the person actually drilling the well to the director within thirty days after the completion of such well. Any certificate so transmitted shall indicate the number of the well permit previously issued by the director if such a permit was required by section 46-659.

(2) The Director of Water Resources may require licensed well drillers or contractors to keep logs, in the manner set out in subsection (1) of this section, on all exploratory or test holes or wells dug or constructed in any area of the state which is deemed by the director to be an area where the state does not possess sufficient information about the geologic, stratographic, and hydrologic conditions of such area.".

On page 24, line 3 strike "section" and insert "sections", after "46-602" insert "and 46-603", and in line 4 strike "is" and insert "are".

12. Renumber original sections 17 to 19 as sections 18 to 20 respectively.

LEGISLATIVE BILL 429. Indefinitely postponed.

(Signed) Maurice A. Kremer, Chairman

BILL ON FIRST READING

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

LEGISLATIVE BILL 450A. By Bereuter, 24th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

UNANIMOUS CONSENT—Print Amendments to LB 450A

Mr. Bereuter asked unanimous consent to print the following amendment to LB 450A in the Journal. No objections. So ordered.

AMENDMENT TO LB 450A

Page 2, lines 1 and 2 strike "sixteen thousand nine hundred ninety" and insert "eleven thousand five hundred ninety."

UNANIMOUS CONSENT–Print Amendments to LB 531

Mr. Warner asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

Appropriation Committee amendment No. 1 to LB 531
On page 2, line 12, strike "491,095" and insert "498,095";
line 14, strike "556,415" and insert "563,415".
On page 4, line 3, strike "5,327,651" and insert "5,334,651";
line 5, strike "5,400,192" and insert "5,407,192".

UNANIMOUS CONSENT–Print Amendments to LB 161

Mr. Murphy asked unanimous consent to print the following amendment to LB 161 in the Journal. No objections. So ordered.

AMENDMENT TO LB 161

1. On page 9, after line 12, insert:
"It shall not be an unlawful employment practice to refuse employment based on a policy of not employing both husband and wife.".

GENERAL FILE

LEGISLATIVE BILL 33A. Title read. Considered.

Mr. Koch renewed his pending amendment found in the Journal on page 601.

The Koch amendment was adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

Mr. DeCamp 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, 17 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 238. The Savage specific amendment found in the Journal on page 1393 for the Sixty-First Day was renewed.

The Savage specific amendment was adopted with 26 ayes, 1 nay, 21 present and not voting, and 1 excused and not voting.

Advanced to E & R for Re-Engrossment.

Mr. Marvel asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 45. E & R amendment found in the Journal onpage 1418 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 228. E & R amendments found in the Journal on page 1418 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 196. E & R amendment found in the Journal on page 1418 for the Sixty-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 91. E & R amendment found in the Journal on page 1418 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 91 to Select File

Mr. Kahle moved to return LB 91 to Select File for the following specific amendment:

1. Insert the following new sections:

"Sec. 2. That section 81-2,162.02, Revised Statutes Supplement, 1976, be amended to read as follows:

81-2,162.02. When used in this act, unless the context otherwise requires:

(1) Director shall mean the Director of Agriculture or his duly authorized agent;

(2) Department shall mean the Department of Agriculture;

(3) Commercial fertilizer shall mean any formula or product distributed, except unmanipulated animal and vegetable manures, which contains one or more plant nutrients recognized by the Association of American Plant Food Control Officials in its official publication, which nutrients are used for their plant nutrient content and are intended to promote plant growth;

(4) Bulk shall mean nonpackaged;

(5) Custom blended product shall mean any

individually compounded ~~to a buyer's specifications, when such buyer is the ultimate consumer~~ commercial fertilizer or soil conditioner mixed, blended, offered for sale or sold in Nebraska to a person's specifications, when such person is the ultimate consumer; Provided, that the ingredients used in such product which are subject to the registration requirements of section 81-2,162.03 shall have been so registered;

(6) Distribute shall mean to offer for sale, sell, barter, or otherwise supply commercial fertilizers or soil conditioners;

(7) Fineness shall mean the percentage of weight of the material which will pass United States standard sieves of specified sizes;

(8) Label shall mean a display of written, printed, or other graphic matter upon the container in which a commercial fertilizer or soil conditioner is distributed, or a statement accompanying such product;

(9) Labeling shall mean the label and all other written, printed, or graphic matter accompanying the commercial fertilizer or soil conditioner at any time or to which reference is made on the label;

(10) Official sample shall mean any sample of commercial fertilizer or soil conditioner taken by the director or his agent;

(11) Product shall mean both commercial fertilizers and soil conditioners;

(12) Ton shall mean a net weight of two thousand pounds avoirdupois;

(13) Per cent or percentage shall mean the percentage by weight;

(14) Person shall include individual, cooperative, partnership, association, firm, and corporation;

(15) Sell or sale shall include exchange;

(16) Soil conditioner shall mean any formula or product distributed, except unmanipulated animal and vegetable manures, which, when added to the soil or applied to plants, is intended to (a) change the physical condition of the soil, or (b) produce a favorable growth, yield, or quality of crops or other soil characteristics, but shall not mean a commercial fertilizer or agricultural liming material; and

(17) Specialty product shall mean a product for nonfarm use.

Sec. 3. That section 81-2,162.06, Revised Statutes Supplement, 1976, be amended to read as follows;:

81-2,162.06. (1) There shall be paid to the director, for all commercial fertilizer and soil conditioners distributed in this state, except custom blended products, an inspection fee at the rate fixed by the director but not exceeding ten cents per ton; Provided, that sales to manufacturers or exchanges between them are hereby exempted.

(2) Payment of the inspection fee shall be evidenced by a statement made with documents showing that fees corresponding to the tonnage were received by the director.

(3) Every person who distributes commerical fertilizer or soil conditioners to the consumer in this state shall file, not later than the last day of January and July of each year, a semiannual tonnage report on forms provided by the department setting forth the number of net tons of commerical fertilizer and soil conditioners distributed in this state during the preceding six months' period, which report shall cover the periods from July 1 to December 31 and January 1 to June 30, and such other information as the director shall deem necessary; and upon filing such report shall pay the inspection fee at the rate stated in subsection (1) of this section. The minimum inspection fee required pursuant to this section shall be five dollars, and no inspection fee shall be paid more than once for any one product.

(4) When more than one person distributes a commercial fertilizer or soil conditioner in this state, the person who registers the product shall be responsible for the requirements of subsection (3) of this section.

(5) If a person fails to report and pay the fees, as required by subsection (3) of this section, by January 31 and July 31, he shall pay a penalty of twenty-five per cent in addition to the fees due 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. Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as provided herein shall constitute sufficient cause for the cancellation of all registrations on file for such person.

(6) No information furnished by the department under this section shall be disclosed in such a way as to reveal the operation of any person.

Sec. 4. That section 81-2,162.07, Revised Statutes Supplement, 1976, be amended to read as follows:

81-2,162.07. (1) It shall be the duty of the director to sample, inspect, make analyses of and test commercial fertilizers and soil conditioners, except custom blended products, distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such products are in compliance with the provisions of this act. The director is authorized to enter upon any public or private premises or any carriers during regular business hours in order to have access to products subject to the provisions of this act and the rules and regulations pertaining thereto.

(2) The methods of sampling and analysis shall be those adopted by the director similar to those of the Association of Official Agricultural Chemists or other recognized sources as shall be adopted through rules and regulations of the department.

(3) The director, in determining for administrative purposes whether any product is deficient in plant nutrients, shall be guided solely by the official sample as defined in subdivision (10) of section 81-2,162.02, and obtained and analyzed as provided for in subsection (2) of this section.

(4) The results of official analysis of any product, which has been found to be subject to penalty or other legal action, shall be forwarded by the director to the registrant at least ten days before the report is submitted to the purchaser. If during that period no adequate evidence to the contrary is made available to the director, the report shall become offical. Upon request made within ninety days of the analysis, the director shall furnish to the registrant a portion of any sample found subject to penalty or other legal action. Following expiration of the ninety-day period, the director may dispose of such sample or samples.".

2. On page 3, line 19 after "54-820.01" insert ", 81-2,162.02, 81-2,162.06, 81-2,162.07,".

3. Renumber original sections 2 and 3 as sections 5 and 6 respectively.

4. Add the emergency clause.

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 91. The Kahle specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 483. Bracketed until Wednesday, April 20, 1977 at the request of Mr. George.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 425. Mr. Schmit renewed his pending amendment found in the Journal on page 1414.

The amendment was adopted with 25 ayes, 1 nay, 21 present and not voting, and 2 excused and not voting.

Mr. Newell offered the following amendment:
Strike County Attorney line 12 reinsert Director of Public Welfare.

The amendment lost with 7 ayes, 16 nays, 24 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. Mr. Schmit renewed his pending amendment found in the Journal on page 1414.

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. Mr. Rasmussen asked unanimous consent to have LB 257 laid over. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 510. Mr. Murphy withdrew his pending amendment found in the Journal on page 1137.

Mr. Kremer renewed his pending amendment found in the Journal on page 1416.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE 486. Mr. Koch withdrew his pending amendment found in the Journal on page 1143.

Mr. Koch renewed his pending amendment found in the Journal on page 1416.

The amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 472. E & R amendment found in the Journal on page 1419 for the Sixty-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 93. Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Unbracket LB 7

Mr. Warner asked unanimous consent to unbracket LB 7 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 7. Mr. Warner renewed his pending amendment found in the Journal on page 1381.

The amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Withdraw LB 527

Mr. Kahle renewed his pending motion found in the Journal on page 1453 to withdraw LB 527.

The motion prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

MOTION – Return LB 30 to Select File

Mr. Koch moved to return LB 30 to Select File for his specific amendment found in the Journal on page 1138.

Motion pending.

SPEAKER'S REQUEST

Speaker Luedtke requested a machine vote on whether to take off Friday, April 22, 1977 for Arbor Day. The vote lost with 12 ayes, 19 nays, and 18 not voting. There will be session Friday, April 22, 1977.

VISITORS

The President introduced 7 juniors, teacher and sponsor from Papillion High School, Papillion.

ADJOURNMENT

At 4:37 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, April 19, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-FIFTH DAY—APRIL 19, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 19, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, our minds and our souls are turned to the question of energy. You have blessed this world with minerals and other sources which we, sad to say, sometimes have squandered.
>
> Help us to find a way to preserve our resources, find new sources and to use them wisely.
>
> Bless this Assembly today and inspire our leaders to provide leadership and courage in our search for solution.
>
> We ask this through Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Merz who was excused; Messrs. Burrows, George, and Reutzel who were excused until they arrive; and Messrs. Fowler and Newell who were absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Fourth Day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 19, 1977 at 8:50 a.m., were the following Legislative Bills: 90, 124, 173, 260, 291, 302, 302A, 333, 337, 478, 497, 500, and 506.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 516. Placed on Select File as amended.
E & R amendments to LB 516:

1. In committee amendments, page 1, strike lines 14 and 15 and insert " '; and (19) prazepam'; and after line 1 insert:"; and in line 17 strike "substances" and insert "substance"; insert an underscored comma after "isomers" on page 1, lines 18 and 26 and after "pemoline" on page 2, line 2; and strike the parentheses on page 1, lines 18, 19, 26, and 27, preceding "including" on page 2, line 2, and on page 2, line 3.

2. On page 4, line 19, strike "substances" and insert "substance".

3. On page 7, line 16, strike "its" and insert "their".

4. On page 8, line 1, strike "its" and insert "their".

5. On page 10, line 19, strike "its" and insert "their".

LEGISLATIVE BILL 390. Placed on Select File as amended.
E & R amendment to LB 390:

1. On page 2, insert an underscored period after "channels" in line 7 and strike the remainder of the sentence and show as stricken; in lines 17, 20, 22, and 23 strike "taxes" and insert "tax"; and in line 18 strike "are" and insert "is".

LEGISLATIVE BILL 390A. Placed on Select File.

LEGISLATIVE BILL 161. Placed on Select File as amended.
E & R amendments to LB 161:

1. On page 8, insert "marital status," after the first comma in line 20 and the comma in line 26.

2. Insert the Murphy amendment on page 11 after the period in line 16.

3. In the Stoney amendment, line 6, insert a underscored comma after "agents".

4. On page 13, line 3, strike ", and" and insert "~~,~~ and,".

5. On page 14, line 27, reinstate "and".

6. On page 18, insert an underscored comma at the end of line 15.

7. On page 23, line 26, insert an underscored comma after the second "court".

8. In the title, line 10, insert "to provide a per diem;" after the semicolon.

LEGISLATIVE BILL 161A. Placed on Select File.
LEGISLATIVE BILL 162. Placed on Select File.

LEGISLATIVE BILL 485. Placed on Select File as amended.
E & R amendments to LB 485:

1. In lieu of the Rasmussen amendment, in committee amendments, page 3, strike the sentence commencing in line 2, and show as stricken.

2. In the title, strike lines 2 to 7 and insert:

"FOR AN ACT to amend sections 81-502.01, 81-502.02, and 81-502.03, Reissue Revised Statutes of Nebraska, 1943, relating to the advisory committee to the State Fire Marshal; to change the committee to the Nebraska Fire Safety Appeals Board; to provide powers and duties; to delete obsolete matter; and to repeal the original sections.".

LEGISLATIVE BILL 328. Placed on Select File as amended.
E & R amendments to LB 328:

1. In committee amendments, line 7, strike "(f) or" and insert "or (f)"; and in line 15 strike "act" and insert "section".

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendments to LB 344:

1. For correlation purposes, on page 2, line 11, insert ", as amended by section 1, Legislative Bill 467, Eighty-fifth Legislature, First Session, 1977" after "1943"; insert "or 24-513" after "24-301.01" on page 2, line 18 and page 3, line 26; and insert "or 24-513" after "24-301.01" on page 3, line 20.

2. For correlation purposes, on page 9, line 16, insert ", as amended by section 2, Legislative Bill 467, Eighty-fifth Legislature, First Session, 1977" after "1943"; insert "or 24-513" after "24-301.01" on page 10, line 1 and page 11, lines 12 and 24; and insert "or 24-513" after "24-301.01" on page 10, line 24.

3. On page 12, line 16 strike "24-703,"; in line 17 strike the first comma and insert "and" and strike "and 24-710,"; and in line 18 insert ", and sections 24-703 and 24-710, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, Legislative Bill 467, Eighty-fifth Legislature, First Session, 1977" after "1943".

4. Add a new section to read:

"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.".

5. In the title, line 2, strike "24-703," and strike the second comma and insert "and"; in line 3 strike "and 24-710,"; in line 4 insert ", and sections 24-703 and 24-710, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, Legislative Bill 467, Eighty-fifth Legislature, First Session, 1977" after "1943"; in line 7 strike "and" and insert "to defer the time for full funding;"; and in line 8 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 263. Placed on Select File as amended.
E & R amendments to LB 263:

1. In committee amendments, page 1, line 8, insert an underscored comma before "or".
2. Amendatory matter having been removed therefrom by committee amendments 5 and 10, strike sections 4 and 6; renumber original section 5 as section 4 and original sections 7 and 8 as sections 5 and 6.
3. In committee amendments, page 1, line 16, strike "line 6" and insert "line 16".
4. On page 25, insert "or" at the end of line 25.
5. In committee amendments, page 2, line 3, strike "lines 1" and insert "lines 2".
6. On page 26, line 1, strike "; or" and insert an underscored period.
7. On page 29, insert "is given" after after "notice"; and in line 23 strike the comma.
8. In committee amendments, page 2, line 7, strike "the comma in".
9. On page 32, line 6, strike "8-1108," and "8-1109.02,".
10. In the title, line 3, strike "8-1108," and "8-1109.02,"; and strike beginning with the comma in line 7 through "1943" in line 9.

(Signed) Samuel K. Cullan, Chairman

AMENDED STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendments to LB 248:
Strike prior amendment 1 and insert the following:

1. On page 4, lines 25 and 26 strike "or his employee," show as stricken and insert "and his immediate family who reside in his household, and including the personal or private use of any employee licensed pursuant to Chapter 60, article 14, and his immediate family who reside in the household of such employee".

2. On page 7, line 14 strike "fifteen" show as stricken and insert "thirty" and after "application" insert "on a form approved by the Motor Vehicle Industry Licensing Board,"; and in line 18 strike ", in the case of a dealer," show as stricken, and insert "for the type of vehicle the dealer has been authorized by the Motor Vehicle Industry Licensing Board to sell and demonstrate"; and strike "ten" and insert "~~ten~~ twenty".

3. On page 8, line 2 strike "a new" and show as stricken and insert "an"; in line 3 after "license" insert "the Motor Vehicle Industry Licensing Board may authorize"; strike "may" and insert "~~may~~ to"; and in line 6 strike the period, show as stricken and insert "because of special condition or hardship. It is provided that in the case of unauthorized use of dealer plates by any licensed dealer, the Motor Vehicle Industry Licensing Board is empowered to hold a hearing and after such hearing may determine that such dealer is not qualified for continued usage of such dealer plates for a set period not to exceed one year.".

4. On page 11, line 22 strike the new matter and reinstate the stricken matter; and in line 23 strike the new matter.

5. On page 26, strike subdivision (3); strike original subdivisions numbers (4) to (13), show as stricken and insert underscored subdivisions numbers (3) to (12) respectively; in line 19 strike the comma and insert "~~,~~ or"; and in line 20 strike ", or trailer" and show as stricken.

6. On page 30, line 14 strike "or" and show as stricken; in line 16 strike "17 or" and show as stricken, strike the period and insert "~~.~~ ; or"; and insert a new subdivision 18 as follows:

"(18) Has been found guilty of selling an uninspected vehicle as provided in section 60-1701.".

7. Insert a new section 12 as follows:

"Sec. 12. That section 60-2305, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-2305. No licensed motor vehicle dealer shall have in his possession as inventory for sale any used motor vehicle of ~~the model year 1969 or later~~ an age of less than twenty-five years, acquired by such dealer after September 1, 1972 for which he does not have in his possession the transferor's statement required by sections 60-2301 to 60-2307, unless a certificate of title has been issued for such motor vehicle in the name of the dealer. Violation of sections 60-2301 to 60-2307 shall be grounds for suspension or revocation of a motor vehicle dealer's license under the provisions of Chapter 60, article 14.".

8. On page 35, line 7 strike "and" and after the second comma insert "and 60-2305,".

9. Renumber original section 12 as section 13.

(Signed) Maurice Kremer, Chairman

MOTION—Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 869)

The motion prevailed with 39 ayes, 0 nays, 4 present and not voting, 2 absent and not voting, and 4 excused and not voting.

BILL FOR FIRST READING

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

LEGISLATIVE BILL 536. By Appropriations Committee: Warner, 25th District, Chairman; Marsh, 29th District; Rumery, 42nd District; Savage, 10th District; Fowler, 27th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to parole and pardons; to provide for a records management study; to require the Board of Parole to promulgate certain rules and regulations; to provide duties of such board; to eliminate the exemption of the Board of Pardons and the Board of Parole from the Administrative Procedures Act; and to repeal sections 83-199 and 83-1,134, Reissue Revised Statutes of Nebraska, 1943.

MOTION—Return LB 30 to Select File

Mr. Koch renewed his pending motion on page 1478 to return LB 30 to Select File for the specific amendment found in the Journal on page 1138.

Mr. Barnett asked unanimous consent to lay the bill over. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 61. With Emergency.

A BILL FOR AN ACT to adopt the Business Improvement District Act; and to declare an emergency.

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

Voting in the affirmative, 35:

Barnett	Bereuter	Boughn	Carsten	Cope
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Mills	Moylan	Murphy
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 8:

Brennan	Chambers	Clark	Duis	Dworak
Kahle	Marvel	Rasmussen		

Present and not voting, 2:

Cullan DeCamp

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Burrows George Merz

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

LEGISLATIVE BILL 273. Mr. DeCamp moved to return LB 273 to Select File for the following specific amendment:

AMENDMENT TO LB 273

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

"Section 1. The Legislature hereby declares that the name of Mr. Robert S. Davaney is changed to Mr. Sports Complex.".

Mr. F. Lewis asked unanimous consent to bracket LB 273.

Mr. Chambers objected.

Mr. F. Lewis moved to bracket LB 273 on Final Reading.

The motion to bracket prevailed with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 303. Mr. Duis asked unanimous consent to have LB 303 laid over temporarily. No objections. So ordered.

LEGISLATIVE BILL 430. With Emergency.

A BILL FOR AN ACT to amend section 79-549, Reissue Revised Statutes of Nebraska, 1943, and section 79-701, Revised Statutes Supplement, 1976, relating to schools; to provide an additional kindergarten option; to provide exceptions from minimum enrollment provisions; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Burrows	George	Merz

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

LEGISLATIVE BILL 503. With Emergency.

A BILL FOR AN ACT to amend section 81-263.53, Reissue Revised Statutes of Nebraska, 1943, and section 54-715, Revised Statutes Supplement, 1976, relating to cattle; to increase indemnity payments for the slaughtering of cattle affected with tuberculosis; to change brucellosis and tuberculosis testing requirements for dairy herds; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Burrows	George	Merz

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

LEGISLATIVE BILL 503A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Koch	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 2:

Dworak Keyes

Excused and not voting, 3:

Burrows George Merz

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

LEGISLATIVE BILL 303. With Emergency.

A BILL FOR AN ACT relating to corporations; to provide requirements for certain acquisition attempts; to define terms; to provide duties; to specify unlawful acts; to provide exceptions; 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, 40:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Clark	Cope	DeCamp	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Koch	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 3:

Cullan Dworak R. Lewis

Present and not voting, 3:

Duis Keyes Kremer

Excused and not voting, 3:

Borrows George Merz

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

LEGISLATIVE BILL 512.

A BILL FOR AN ACT relating to the Nebraska Arts Council; to create a cash fund; to prescribe its name; and to provide for deposits and disbursements.

Whereupon the 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Keyes

Excused and not voting, 2:

Burrows Merz

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

LEGISLATIVE BILL 512A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 512, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Marsh	Marvel	Maxey	Mills
Moylan	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 4:

Keyes	Labedz	Maresh	Murphy

Excused and not voting, 2:

Burrows	Merz

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

LEGISLATIVE BILL 515. With Emergency.

A BILL FOR AN ACT to amend section 71-2618, Revised Statutes Supplement, 1976, relating to the Department of Health Cash Fund; to provide for the utilization of such fund for the receipt of third party reimbursement payments, matching funds, or similar nongrant funds; 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	Boughn	Brennan	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 3:

Fowler Keyes Murphy

Excused and not voting, 2:

Burrows Merz

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

LEGISLATIVE BILL 515A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 515, Eighty-fifth Legislature, First Session, 1977; 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	Brennan	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 3:

Boughn Keyes Murphy

Excused and not voting, 2:

Burrows Merz

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

MOTION—Reconsider Action on LB 90A

Mr. DeCamp renewed his pending motion found in the Journal on page 1435 to reconsider action on final passage of LB 90A.

The motion prevailed with 30 ayes, 9 nays, 8 present and not voting, and 2 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 90A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Cope	Cullan	DeCamp
Dworak	Fitzgerald	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Kremer	Labedz	Luedtke
Maresh	Marsh	Mills	Moylan	Murphy
Newell	Nichol	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 11:

Bereuter	Carsten	Chambers	Clark	Duis
Fowler	Lamb	Marvel	Maxey	Rasmussen
Reutzel				

Present and not voting, 6:

Brennan	George	Keyes	Koch	F. Lewis
R. Lewis				

Excused and not voting, 2:

Burrows	Merz

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

MOTION–Override Veto on LB 459

Mr. Warner renewed his pending motion found in the Journal on page 1403 to override the Governor's veto on LB 459.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 43:

Barnett	Bereuter	Boughn	Carsten	Chambers
Clark	Cullan	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Lamb	F. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 4:

Brennan	Cope	Labedz	R. Lewis

Excused and not voting, 2:

Burrows	Merz

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 459A

Mr. Warner renewed his pending motion found in the Journal on page 1403 to override the Governor's veto on LB 459A.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 42:

Barnett	Bereuter	Boughn	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock

Hefner	Kahle	Kelly	Keyes	Kremer
Lamb	F. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Present and not voting, 5:

Brennan	Dworak	Koch	Labedz	R. Lewis

Excused and not voting, 2:

Burrows Merz

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

UNANIMOUS CONSENT—Print Amendments to LB 530

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 530 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 530

1. On page 9, strike lines 6 through 27.
2. On page 10, strike lines 1 through 23 and insert the following:
"Legislative Intent:
(1) The Agricultural Products Industrial Utilization Committee, shall submit with its 1978-79 budget request a comprehensive plan which shall include, but not be limited to, the following components:
(a) A three-year plan for research, development, promotion, and allocation of agricultural ethyl alcohol-blended fuels;
(b) A one-year plan for 1978-79 which indicates the manner in which the first year of the three-year plan will be implemented if the agency budget request is accepted and approved by the Legislature; and
(c) A description of the projected activities and research projects which are planned or in progress for 1977-78, and a description of how these activities relate to the three-year and one-year plans required.
(3) The plan shall include the following:

(a) Goals to be accomplished through the program supported by the Agricultural Products Industrial Utilization Committee;

(b) Methods of accomplishing these goals;

(c) Types of research, development, and promotional activities which will be utilized; and

(d) The results of any evaluation of completed projects or activities.".

MOTION–Return LB 486 to Select File

Mr. Koch moved to return LB 486 to Select File for the following specific amendment:

AMENDMENTS TO LB 486

1. On page 6, line 25 strike "to" and insert "and"; and in line 26 after the period insert "No rules, regulations, or procedures may be promulgated which would require private vocational educational institutions to meet standards more stringent than those deemed necessary to be in compliance with section 10 of this act.".

2. On page 10, lines 9 and 16 strike "may" and insert "shall"; in line 12 after "act" insert a period; and strike beginning with the comma in line 12 through the period in line 15.

3. On page 15, line 27 after the period insert "Any private vocational educational institution which is accredited pursuant to section 10 of this act and which is and has been awarding associate degrees for one year prior to the operative date of this act is authorized to continue awarding such degrees if such institution complies with section 10 of this act.".

The motion prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 486. Mr. Koch renewed his pending specific amendment found in this day's Journal.

Mr. Lamb asked unanimous consent to have the bill laid over.

Mrs. Marsh objected.

Mr. Lamb moved to have the bill laid over.

SPEAKER LUEDTKE PRESIDING

The Lamb motion prevailed with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

Mrs. Maxey asked unanimous consent to be excused for a short time. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

Mr. Venditte renewed his pending amendment to Article 1 found in the Journal on page 918.

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 Venditte amendment lost with 10 ayes, 10 nays, 27 present and not voting, and 2 excused and not voting.

Mr. Venditte renewed his pending amendments to Article 8 found in the Journal on page 1464.

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

The Venditte amendment lost with 14 ayes, 15 nays, 18 present and not voting, and 2 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mr. Chambers renewed his pending amendments found in the Journal on pages 1464 and 1465.

Mr. Barnett asked unanimous consent to consider Chambers amendments 1, 7, and 8 in one vote. No objections. So ordered.

The Chambers amendments 1, 7, and 8 were adopted with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

The Chambers amendment 2 lost with 12 ayes, 13 nays, 23 present and not voting, and 1 excused and not voting.

Mr. Chambers withdrew his pending amendments 3 and 4.

The Chambers amendment 5 lost with 8 ayes, 12 nays, 28 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

Mr. Dworak announced the Miscellaneous Subjects Committee will hold an executive session under the North Balcony at 11:30 a.m., April 19, 1977.

COMMUNICATION ON LB 459 and LB 459A

April 19, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 459 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 459 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 459 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 April, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

April 19, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 459A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 459A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 459A 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 April, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

UNANIMOUS CONSENT—Print Amendment to LB 445

Mr. Koch asked unanimous consent to print the following amendment to LB 445 in the Journal. No objections. So ordered.

AMENDMENT TO LB 445

1. In the committee amendment 1. on page 909 of the Journal, line 6, after "districts" insert "and state colleges".

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. DeCamp asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. Strike original section 8 and insert the following:

"Sec. 8. The money in the Personal Property Tax Relief Fund shall be annually distributed to the county treasurers on a prorated basis. The amount of the fund to be received by each county shall be determined by the Tax Commissioner to reflect each county's share of

tax revenue lost, including all personal property taxes lost by reason of jurisdiction ceded to the United States under Laws 1883, c. 90, in proportion to the total tax revenue lost to all counties in the state, including all personal property taxes lost by reason of jurisdiction ceded to the United States under Laws 1883, c. 90.

Sec. 9. No person shall avoid payment of personal property taxes because personal property of such person is located within lands ceded to the United States under Laws 1883, c. 90. Such taxes shall be paid by the person in the same manner as if such personal property were not located within such lands. Any personal property of a person which, for any reason, has not been assessed or has escaped taxation for any former year or years when such property was liable to taxation, shall be assessed at the same rate as imposed upon the property in the governmental subdivision of the state in which the property should have been returned for taxation. Such tax shall be assessed for each year the tax should have been listed and shall be assessed equal to the assessment that would have been charged against such property had it been properly listed and assessed. In addition to such tax, there shall be added a penalty of fifteen per cent of the amount of the tax due.".

2. Renumber original section 9 as section 10.

UNANIMOUS CONSENT–Print Amendment to LB 530

Mr. Kelly asked unanimous consent to print the following amendment to LB 530 in the Journal. No objections. So ordered.

AMENDMENT TO LB 530

On page 7, after line 10 insert:

"If the Board has not submitted draft rules for the implementation of 71-1,132.20 Reissue Revised Statutes of Nebraska, 1943, as amended by January 1, 1978, to the Attorney General, the amount shown is reduced by fifty percent.

UNANIMOUS CONSENT–Print Amendments to LB 518

Mr. Burrows asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. Strike original sections 1 to 9 and insert three new sections as follows:

"Section 1. That section 77-202.29, Revised

Statutes Supplement, 1976, be amended to read as follows:

77-202.29. Effective January 1, 1977, an ~~additional twelve and one half per cent~~ exemption from actual value ~~to those totals already provided in sections 77-202.25, 77-202.26, 77-202.27, and 22-202.28~~ of fifty thousand dollars and a fifty per cent exemption from actual value for any actual value from fifty thousand dollars to one hundred thousand dollars shall be allowed for the classes of property as provided in section 77-202.25.

Sec. 2. That original section 77-202.29, Revised Statutes Supplement, 1976, is repealed.

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.".

STANDING COMMITTEE REPORTS

Miscellaneous Subjects

LEGISLATIVE BILL 528. Indefinitely postponed.

(Signed) Donald N. Dworak, Chairman

Business and Labor

LEGISLATIVE BILL 529. Placed on General File as amended.
Standing Committee amendments to LB 529:

1. Insert a new section 1 as follows:

"Section 1. As used in section 2 of this act, unless the context otherwise requires:

(1) Plastic surgery shall mean that branch of surgery concerned with the repair or restoration of lost, injured, or deformed body parts chiefly by transfer of tissue; and

(2) Reconstructive surgery shall mean surgery which restores or tends to restore an injured or deformed structure.".

2. On page 2, line 5, after "reconstructive" insert "but not cosmetic"; and in line 13, after "of" insert "dental appliances".

(Signed) Richard Maresh, Chairman

ANNOUNCEMENTS

Mr. Marvel announced an Executive Board meeting Wednesday, April 20, 1977 at 4:30 p.m. with Public Works Committee in Room 2102.

Mr. Warner announced the Appropriations Committee will meet today, April 19, 1977 in Room 1003 at 12:00 noon.

UNANIMOUS CONSENT--Print Amendments to LB 142

Mr. Newell asked unanimous consent to print the following amendments to LB 142 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 142

1. On page 2, line 9, strike "four" and insert "seven"; and in line 12, after "product" insert "operating solely within the State of Nebraska".

2. On page 3, line 4 after "product", insert "whose operations are based in Nebraska".

3. Insert a new section 7 as follows:

"Sec. 7. This act shall not apply to manufacturers and sellers of products whose operations are based in other states unless such other state or states provide similar protection for manufacturers and sellers of products whose operations are based in Nebraska.".

4. Renumber original section 7 as section 8.

UNANIMOUS CONSENT--Members Excused

Mr. Brennan asked unanimous consent to be excused at noon until April 22, 1977. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused until 2:30 p.m. No objections. So ordered.

Messrs. Rasmussen, Boughn, Kelly, Goodrich, Moylan, Maresh, R. Lewis, Burrows, and Mrs. Maxey asked unanimous consent to be excused until they arrive this afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 38. Considered.

The Chambers amendment No. 6 found in the Journal on page 1464 was renewed.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Chambers amendment No. 6 was adopted with 26 ayes, 7 nays, 14 excused and not voting, and 2 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers pending amendments Nos. 9 through 14, pages 1464 and 1465 were withdrawn.

Mr. Moylan asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

The Chambers amendment No. 15 lost with 10 ayes, 11 nays, 27 present and not voting, and 1 excused and not voting.

Mr. Barnett moved to advance LB 38 to E & R for Review.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 13 present and not voting, and 2 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 57.

Introduced by Miscellaneous Subjects Committee: Dworak, 22nd District, Chairman; Murphy, 17th District; Newell, 13th District; F. Lewis, 45th District; Brennan, 9th District.

WHEREAS, wagering in its many forms has been a source of great interest and concern to almost every element of Nebraska's citizenry; and

WHEREAS, the State Racing Commission has been one agency established to monitor and govern horse racing and related activites such as wagering on such races in Nebraska; and

WHEREAS, the practice of operating a messenger service for those who desire to wager on Nebraska horse races has created much interest as to its future activities, growth, and impact on Nebraska's horse racing program; and

WHEREAS, the State Racing Commission is now called upon to administer a racing program recently characterized by large capital expenditures for improved track facilities, heightened public interest and the attraction of more prominent blood stock and riders to Nebraska racing.

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

1. That the Legislature's Miscellaneous Subjects Committee perform an interim study of the State Racing Commission to determine its scope of operation and its effectiveness in administe ing the horse racing program in Nebraska.

2. That the committee shall consider in the course of its study the impact of messenger betting on the racing program and the role the State Racing Commission could be expected to play in this matter.

3. That the committee make a report of its findings together with any recommendations for legislative action it may formulate to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced Mr. Steve Kay from North Platte, and Mr. Joe Feller from Omaha; 3 seniors and teacher from College View Academy; 50 members from C.E.T.A. Comprehensive Employment and Training Agency; Mr. and Mrs. Rudy Stoysich from Omaha; Mary Souders, National President Ladies Auxiliary to the Veterans of Foreign Wars from Portland, Oregon, and Mona Longly, State President, from Lexington, Nebraska; 57 fifth graders, teachers and parents from Elkhorn Elementary, Elkhorn, Nebraska; and 15 seventh, eighth, and ninth grade students and sponsors from Scottsbluff and Gering.

RECESS

At 12:04 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Brennan who was excused; and Messrs. Boughn, Burrows, Rasmussen, Kelly, Goodrich, Moylan, Maresh, R. Lewis, Nichol, Marvel, F. Lewis, and Mesdames. Maxey and Labedz who were excused until they arrive.

UNANIMOUS CONSENT– Members Excused

Mr. Reutzel asked unanimous consent to be excused at 11:00 a.m., Friday, April 22, 1977, for the remainder of the morning. No objections. So ordered.

Mr. Cope asked unanimous consent to be excused at 3:15 p.m., Thursday, April 21, 1977, for the remainder of the day. No objections. So ordered.

COMMUNICATIONS

April 15, 1977

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

Dear Mr. Brown:

In conformity with the provisions of Section 71-1,107.22, Revised Statutes Supplement, 1976, I hereby submit to the Legislature the Report of the State Board of Examiners in Medicine and Surgery on Physician's Assistants in the State of Nebraska During the Year 1976.

Respectfully submitted,

(Signed) Rex C. Higley, Director
Bureau of Examining Boards
Department of Health

RCH:jn
Enclosure
(Report on file in the Clerk's office.)

MESSAGE FROM THE SECRETARY OF STATE

April 19, 1977

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

RE: LB 459, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on April 19, 1977 at 10:56 A.M., LB 459. Along with LB 459, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 459 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 April, 1977."

Further, I hereby acknowledge that LB 459, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) Allen J. Beermann
Secretary of State

April 19, 1977

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

RE: LB 459A, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on April 19, 1977 at 10:56 A.M., LB 459A. Along with LB 459A, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 459A 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 April, 1977."

Further, I hereby acknowledge that LB 459A, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) Allen J. Beermann
Secretary of State

GENERAL FILE

LEGISLATIVE BILL 38A. Title read. Considered.

Mr. Bereuter renewed his pending amendment found in the Journal on page 1438.

Mr. Bereuter moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Bereuter moved the Call be raised. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Bereuter amendment was adopted with 26 ayes, 1 nay, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for Review with 26 ayes, 4 nays, 9 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 427

Mr. Keyes asked unanimous consent to print the following amendment to LB 427 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 427

Insert new Sections 1 and 2 as follows:

Section 1.

39-6,150. Rotating or flashing amber light; when permitted. A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state when stopping on or near any road or highway in the process of delivering mail. A rotating or flashing amber light or lights may be displayed on any vehicle of the military department while on any state emergency mission, any motor vehicle being operated by any public utility, vehicle service, towing service, or any publicly or privately-owned construction or maintenance vehicle while performing its duties on or near any road, street, or highway, any motor vehicle being operated by any member of the Civil Air Patrol, <u>any pilot vehicles escorting overdimensional loads</u>, or any vehicle while actually engaged in the moving of houses, buildings, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (5) of section 39-,177.

"Section 2. That section 39-6,177, Revised Statutes Supplement, 1976, be amended to read as follows:

39-6,177. No vehicle shall exceed a total outside width, including any load thereon, of eight feet except that such prohibition shall not apply to (1) a vehicle with a load of pulpwood in movement during daylight hours when such maximum width shall be one hundred inches and the load is bound with at least two separate iron chains or cables comprised of material not less than one half inch in thickness or diameter attached to the front and rear of the loading platform and frame of the vehicle so as to hold the load securely in place, (2) farm equipment in temporary movement during daylight hours, or during hours of darkness when the clearance light requirements of section 39-6,127 are fully complied with, in the normal course of farm operations, (3) combines or vehicles used in transporting combines, to be engaged in harvesting within or without the state, moving into or through the state during daylight hours when the overall width does not exceed fifteen feet, (4) farm equipment dealers hauling, driving, delivering, or picking up farm equipment or implements of husbandry during daylight hours, (5) alfalfa harvesting machinery in temporary movement during daylight hours and hours of darkness when (a) the clearance light requirements of section 39-6,127 are fully complied with, (b) there is, on the front vehicle and above the line of the regular lights of such vehicle, a flashing, amber-colored light at least four inches in diameter and clearly visible to traffic approaching from any direction, and (c) there is a well-lighted pilot vehicle or flagman at least three hundred feet in advance of such vehicles to give warning of the approach of over-width equipment, and such prohibition shall not apply to equipment of thirteen feet or less in width to be used in highway or other public construction or in agricultural land treatment in temporary movement during daylight hours on roads other than dustless-surfaced state highways and for necessary access to points on such highways, (6) unbaled livestock forage vehicles loaded or unloaded that comply with subsection (4) of section 39-6,100; Provided, that no vehicle which shall exceed a total outside width, including any load thereon, of eight feet shall be permitted upon any portion of the National System of Interstate and Defense Highways, except intercity buses upon designated segments as hereinafter provided in this section, (7) livestock forage vehicles hauling round

bales which, including the load thereon, may be ten feet in width, or ~~(7)~~ (8) intercity buses which may be one hundred two inches in width plus additional width for safety devices when operated on certain highways designated by the Director-State Engineer for such operation. The Director-State Engineer, with respect to highways under his jurisdiction, may designate certain highways for the operation of such intercity buses upon the following conditions:

(a) Highways designated by the Director-State Engineer shall be limited to the National System of Interstate and Defense Highways and four-lane and six-lane highways, except that other highways that are not part of the National System of Interstate and Defense Highways may be so designated for the sole purpose of directly connecting disconnected segments of the National System of Interstate and Defense Highways and four-lane and six-lane highways; Provided, that on two-lane highways so designated for connection each traffic lane shall not be less than ten feet in width; and

(b) No highways shall be so designated by the Director-State Engineer under the provisions of subdivision ~~(7)~~ (8) (a) of this section prior to the time when intercity buses of such width are permitted on the National System of Interstate and Defense Highways.".

2. On page 3, line 1, strike "section" and insert "sections 39-6,177 and 39-6,150 and" and in line 2, strike "is" and insert "are".

3. Renumber original sections 1 and 2 as sections 3 and 4.

GENERAL FILE

LEGISLATIVE BILL 39. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 4 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 41. Title read. Considered.

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

Advanced to E & R for Review with 26 ayes, 9 nays, 10 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

Mr. DeCamp announced an executive session of Banking, Commerce, and Insurance Committee at 3:00 p.m. under the North Balcony.

UNANIMOUS CONSENT–Print Amendments to LB 40

Mr. Barnett asked unanimous consent to print the following amendments to LB 40 in the Journal. No objections. So ordered.

1. On page 91, after line 4, insert a new section 116 to read as follows:

"Sec. 116. (1) Any person who uses a firearm, knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state, or any person who unlawfully possesses a firearm, knife, brass or iron knuckles, or any other deadly weapon during the commission of any felony which may be prosecuted in a court of this state, shall in addition to the punishment prescribed for the crime of which he has been convicted, be imprisoned for two years.

(2) Sentences imposed under the provision of this section shall be consecutive to any other sentence imposed.

(3) The provisions of Sec. 83-188 to Sec. 83-1,125 relating to reduction of sentence and parole shall not apply to sentences imposed under this section."

EXPLANATION OF AMENDMENT

The above amendment is a new approach to the problem of the use of a firearm during the commission of a felony. In existing law, which is the same as Sec. 260 in LB 38, is treated as a separate crime which is often not charged or plea-bargained away. By placing it in the sentencing provisions of Chapter 29, the punishment becomes mandatory upon conviction of the underlying crime.

2. On page 201, line 7, strike "I" and insert "III".

EXPLANATION OF AMENDMENT

Recently changed, LB 421 — 1977 session.

3. On page 203, after line 1, insert a new Sec. 270 to read as follows:

"48-144.04.Reports; penalties for not filing; statutes of limitation not to run until filed. Any employer or insurance carrier who fails, neglects, or refuses to file any report required of him by the Compensation Court shall be guilty of a Class II misdemeanor. It shall be the duty of the Attorney General to act as attorney for the state. In addition to the penalty, where an employer or insurance company has been given notice, or the employer or insurance carrier has knowledge, of any injury or death of an employee and fails, neglects, or refuses to file a report thereof, the limitations in sections 48-137 and 48-128

shall not begin to run against the claim of the injured employee or his dependents entitled to compensation or against the State of Nebraska on behalf of the Second Injury Fund, or in favor of either the employer or the insurance carrier until such report shall have been furnished as required by the Compensation Court."

EXPLANATION OF AMENDMENT

Omitted from the bill.

Mr. George asked unanimous consent to print the following amendment to LB 40 in the Journal. No objections. So ordered.

Amend the Barnett amendment to LB 40:
in new section 116 (1), strike two
and insert five.

UNANIMOUS CONSENT—Print Amendments to LB 290

Mrs. Labedz asked unanimous consent to print the following amendments to LB 290 in the Journal. No objections. So ordered.

Amend the Standing Committee amendments to LB 290:
(1) Amend Section 8, beginning on line 22, by inserting after the word "agent" and before the period the following language:
, or who has had experience gained through employment by the State of Nebraska as a revenue auditor in the Department of Revenue and who holds a degree from a college or university of recognized standing and is certified by the Tax Commissioner as having at least three and one-half years of field experience as a revenue auditor.
(2) Add a new Section 10 which reads as follows:
Sec. 10. For the purpose of Section 7 of this act experience on and after January 1, 1973, as a revenue auditor in the Department of Revenue shall qualify toward the total experience requirements provided by this act.
(3) Renumber Section 10 of the Standing Committee amendments as Section 11.
Section 1. That section 1-114, Reissue Revised Statutes, 1943, be amended to read as follows:
1-114. The certificate of certified public accountant shall be granted by the board to any person (1) who is a resident of this state or has a place of business therein or, as an employee, is regularly employed therein, (2) who has attained the age of twenty-one years, (3) who is of good moral character,

(4) who has had four years of public accounting experience, satisfactory to the board, in any state, in practice as a certified public accountant or as a public accountant or, in any state, in employment as a staff accountant by anyone practicing public accounting, or any combination of either of such types of experience, provided, that graduation from a college or university of recognized standing shall be considered as the equivalent of two years of the public accounting experience required by this section, or who has had experience gained through employment by a federal government as a special agent or an internal revenue agent in the Internal Revenue Service and who holds a degree from a college or university of recognized standing and is certified by a District Director of Internal Revenue as having at least three and one half years of field experience as a special agent or internal revenue agent, or who has had experience gained through employment by the State of Nebraska as a revenue auditor in the Department of Revenue and who holds a degree from a college or university of recognized standing and is certified by the Tax Commissioner as having at least three and one half years of field experience as a revenue agent, and (5) who shall have passed a written examination in theory of accounts, in accounting practice, in auditing, and in such other related subjects as the board shall determine to be appropriate.

Sec. 2.

Experience on and after January 1, 1973, as a revenue auditor in the Department of Revenue shall qualify toward the total experience requirements provided by this act.

Sec. 3. That original section 1-114, Reissue Revised Statutes, 1943, is repealed.

CORRECTED STANDING COMMITTEE REPORT
Revenue

LEGISLATIVE BILL 407. Placed on General File as amended.
Standing Committee amendments to LB 407:

1. On page 2, insert a new subdivision (3) as follows:

"(3) Income shall mean the total federal adjusted gross income of any claimant and spouse as defined in the

Internal Revenue Code of the United States and all nontaxable income, including but not limited to the amount of capital gains excluded from adjusted gross income, the gross amount of any pension or annuity including railroad retirement act benefits and veterans disability pensions, all payments received under the federal social security and state unemployment insurance laws, nontaxable interest received from the federal government of any of its instrumentalities, and workmen's compensation. Income does not include gifts from nongovernmental sources or relief in kind supplied by a public or private agency;".

2. On page 2, line 16, strike "(3)" and insert "~~(3)~~ (4)"; strike beginning with "the" in line 16 through "spouse" in line 17 and insert "all income received by all persons residing within the homestead;"; and strike the new matter in lines 17 to 19.

3. On page 2, strike subdivision (4).

4. On page 3, strike lines 1 to 3; in line 4, strike "(6)", and insert "(5)"; in line 6 after "mean", insert "(a)"; in line 14, after "dollars", insert ", and (b) an owner of a homestead who is legally blind or disabled whose household income does not exceed (i) for a single claimant, three thousand two hundred dollars, or (ii) for a married claimant, four thousand three hundred fifty dollars; and

(6) For each one hundred dollars of household income which exceeds the applicable maximum amount of a qualified claimant allowed under subsection (5) of this section, the homestead exemption benefit shall be reduced by eight hundred thirty-three dollars.".

5. On page 3, line 8, strike "(a)" and insert "~~(a)~~ (i)", in line 10 strike "(b)" and insert "~~(b)~~ (ii)" and in line 12, strike "(c)" and insert "~~(c)~~ (iii)".

6. On page 4, strike beginning with "in" in line 8 through "and" in line 10, and show as stricken; in line 12, strike "thirty" and insert "twenty-five"; in line 13 strike "(4)" and insert "~~(4)~~ (5)"; in line 14, after "77-202.12" insert "and of any persons who are legally blind.", and strike "This exemption shall also apply to", show as stricken and insert "There shall be exempt from taxation one hundred per cent of the first twenty-five thousand dollars of the actual value of any homestead of (a)"; and in line 16 after "illness", insert "; (b) individuals who are paralyzed in both legs such as to preclude locomotion without the aid of braces, crutches, canes, or wheelchairs; (c) individuals who have undergone multiple amputation of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, wheelchairs, or artificial limbs; and (d) individuals who have been crippled by multiple sclerosis such as to preclude locomotion without the aid of braces, crutches, canes, wheelchairs, or artificial limbs".

7. Insert a new section 3 as follows:
"Sec. 3. This act shall become operative on January 1, 1978.".
8. Renumber original section 3 as section 4.

(Signed) Orval Keyes, Chairman

STANDING COMMITTEE REPORTS
Agriculture and Environment

LEGISLATIVE BILL 52. Placed on General File as amended.
Standing Committee amendments to LB 52:

1. On page 3, line 14 strike "levied" and insert "created"; in line 18 strike "the grower" and insert "each grower who consents to such tax".

2. On page 4, line 12 after "settlement" insert "with any grower who has consented to be subject to the excise tax under this act".

3. On page 8, insert new sections as follows:

"Sec. 13. The committee shall expend funds pursuant to a plan approved by those growers who have consented to be subject to the excise tax levied under this act. The committee shall provide procedures to adopt a plan that would carry out the intentions of those who have contributed to the fund.

Sec. 14. That section 66-410, Revised Statutes Supplement, 1976, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of eight and one half cents per gallon upon all motor vehicle fuels as shown by such statement; Provided, that effective January 1, ~~1973~~ 1978, gasoline sold in Nebraska which contains a minimum of ten per cent blend of an agricultural ethyl alcohol ~~of~~ whose purity shall be at least ~~one hundred ninety proof~~ ninety-nine per cent alcohol shall be subject to a state motor fuel tax which is ~~three~~ five cents per gallon less than gasoline which does not contain such a blend. When the sale in Nebraska of gasoline containing such a blend exceeds ~~ten~~ twenty million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 15. That section 66-428, Revised Statutes Supplement, 1976, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of eight and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-401, used in this state, and due the State of Nebraska

under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after January 1, ~~1973~~ 1978, shall be ~~five~~ three and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol of at least one hundred ninety proof, and eight and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 16. That original sections 66-410 and 66-428, Revised Statutes Supplement, 1976, are repealed.".

4. Renumber original sections 13 and 14 as sections 17 and 18.

LEGISLATIVE BILL 460. Placed on General File as amended.
Standing Committee amendment to LB 460:

1. On page 4 strike the new matter in lines 8 through 12.

(Signed) Loran Schmit, Chairman

MOTION—Revenue Projections

Mr. Warner moved that the Department of Revenue be requested to supply the Legislature with revised estimates for the Projected Revenue to be available for 1977-78. This information to be submitted to the Legislature by 10:00 a.m. April 25, 1977.

Mr. Warner offered the following amendment to his motion.

Amend Warner motion by adding: "In addition to the projected revenue also include the assumptions used by the Department of Revenue in arriving at the projected dollar amounts."

The Warner motion, as amended, prevailed with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 530. Title read. Considered.

Mr. Warner offered the following Appropriation Committee amendments:

AMENDMENT TO LB 530

1. On page 6, line 24 after "$15,600" strike the period and insert:
", which amount shall not include the per diem wages paid inspectors."
2. Add The Severability Clause.
3. Strike subsection (1) of Sec. 28 and insert:
"(a) Expenditures for personal services shall be limited to the amount shown, except when federal funds in excess of the amount shown are available and have actually been reviewed by the Executive Board of the Legislature and approved by the Governor pursuant to 81 - 1131 - 1138 Reissue Revised Statutes of Nebraska, 1943, as amended. The Governor shall submit a report of positions and funds approved to the Legislature on January 10, 1978, and June 30, 1978. Personal services expenditures from such grants shall be in addition to the personal services limitations otherwise shown within this bill. No agency shall request any state funds for continuation or replacement of any such personnel or activities in future budget requests. To the extent feasible, requests for increases in the personal service limitation shall be addressed to the Appropriation Committee when the Nebraska Legislature is in session.
4. Add the following new section:
a) There is included in the appropriation for each agency mentioned in this act an increase in salaries equal to three per cent of fiscal year 1976-77 salaries plus two hundred forty dollars for each permanent full-time employee, to be expended for the fiscal period of July 1, 1977 to June 30, 1978.
b) The Director of Personnel shall on July 1, 1977 revise the Classified Service Salary Schedule and the Medical Doctors Salary Schedule of the State of Nebraska Classification and Pay Plan by increasing all monthly rates of each salary grade by 3% to the nearest dollar plus $20.00. The annual, bi-weekly, and hourly rates shall also be increased reflecting proportionate increases.
c) On July 1, 1977, all permanent full-time employees not on probation will be granted an increase of three percent to the nearest dollar over their June 30, 1977 rate plus twenty dollars per month, except as provided in subsection d. Proportionate increases shall be given to part-time employees.
d) Permanent employees who are serving a probationary period as a result of corrective or disciplinary action on July 1, 1977 shall not be granted the salary increase provided in subsection c during the fiscal year beginning July 1, 1977, until the employee has satisfactorily completed probation and the agency director approves the salary adjustment.
e) Employees whose salary is in excess of the Maximum Rate of the adjusted salary grade for his class of position shall not be granted the salary increase provided by subsection c. No employee shall have his pay increased beyond the adjusted Maximum Rate of his salary grade because of subsection c.

Amendment (1) was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Amendment (2) was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Amendment (3) was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Mr. Kelly asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mrs. Labedz asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Amendment (4) was adopted with 27 ayes, 3 nays, 16 present and not voting, and 3 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. R. Lewis renewed his pending amendment found in this day's Journal on page 1494.

Messrs. Venditte and Reutzel asked unanimous consent to be excused. No objections. So ordered.

Mr. Bereuter offered the following amendment to the R. Lewis amendment:

Amend the Richard Lewis amendment to LB 530 by adding a subsection (3)(e) which shall read as follows:

"A description of the evaluation tools to be utilized to measure the accomplishments of stated goals.

The amendment was adopted with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

The R. Lewis amendment is pending, as amended.

MOTION—Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 874).

The motion prevailed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 537. By Appropriations Committee: Warner, 25th District, Chairman; Rumery, 42nd District; Hasebroock, 18th District; Cope, 36th District; Marsh, 29th District; Fowler, 27th District; Goodrich; Bereuter, 24th District; Savage, 10th District.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 531, Eighty-fifth Legislature, First Session, 1977; to provide for repeal; and to declare an emergency.

UNANIMOUS CONSENT–Member Excused

Mr. Swigart asked unanimous consent to be excused Wednesday, April 20, 1977 until he arrives. No objections. So ordered.

UNANIMOUS CONSENT–Print Amendments to LB 518

Mr. Burrows asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

On page 4, line 6, strike "(2)" after the word "subdivision" and insert "(3)", and on line 17, strike "(3)" after the word "subdivision" and insert "(2)".

UNANIMOUS CONSENT–Print Amendments to LB 531

Mr. Warner asked unanimous consent to print the following Appropriations Committee amendment to LB 531 in the Journal. No objections. So ordered.

AMENDMENT TO LB 531

1. Add The Severability Clause.
2. Strike subsection (1) of Sec. 28 and insert:
"(1) Expenditures for personal services shall be limited to the amount shown, except when federal funds in excess of the amount shown are available and have actually been reviewed by the Executive Board of the Legislature and approved by the Governor pursuant to 81 - 1131 - 1138 Reissue Revised Statutes of Nebraska, 1943, as amended. The Governor shall submit a report of positions and funds approved to the Legislature on January 10, 1978, and June 30, 1978. Personal services expenditures from such grants shall be in addition to the personal services limitations otherwise shown within this bill. No agency shall request any state funds for continuation or replacement of any such personnel or activities in future budget

requests. To the extent feasible, requests for increases in the personal service limitation shall be addressed to the Appropriation Committee when the Nebraska Legislature is in session.
3. Add the following new section:
a) There is included in the appropriation for each agency mentioned in this act an increase in salaries equal to three per cent of fiscal year 1976-77 salaries plus two hundred forty dollars for each permanent full-time employee, to be expended for the fiscal period of July 1, 1977 to June 30, 1978.
b) The Director of Personnel shall on July 1, 1977 revise the Classified Service Salary Schedule and the Medical Doctors Salary Schedule of the State of Nebraska Classification and Pay Plan by increasing all monthly rates of each salary grade by 3% to the nearest dollar plus $20.00. The annual, bi-weekly, and hourly rates shall also be increased reflecting proportionate increases.
c) On July 1, 1977, all permanent full-time employees not on probation will be granted an increase of three percent to the nearest dollar over their June 30, 1977 rate plus twenty dollars per month, except as provided in subsection d. Proportionate increases shall be given to part-time employees.
d) Permanent employees who are serving a probationary period as a result of corrective or disciplinary action on July 1, 1977 shall not be granted the salary increase provided in subsection c during the fiscal year beginning July 1, 1977, until the employee has satisfactorily completed probation and the agency director approves the salary adjustment.
e) Employees whose salary is in excess of the Maximum Rate of the adjusted salary grade for his class of position shall not be granted the salary increase provided by subsection c. No employee shall have his pay increased beyond the adjusted Maximum Rate of his salary grade because of subsection c.

UNANIMOUS CONSENT—Print Amendments to LB 483

Mr. George asked unanimous consent to print the following amendments to LB 483 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 483

1. In the Duis amendments found on page 1285 of the Journal, strike beginning with "any" in line 5 through "is" in line 6 and insert "the streets, avenues, or alleys, or parts thereof which are"; in line 8 strike the first "of" and insert "after"; in line 10 strike the second "of" and insert "after" in line 15, strike "to the property owners" and insert "against the lots and parcels of real estate"; strike beginning with "If" in line 15 through the period in

line 19; and in line 20, strike "the amount so assessed or assessable" and insert "collections from special assessments".

2. In the Nichol amendments found on page 1287 of the Journal, strike beginning with "as" in the first line 9 through the period in the first line 16, showing the old matter as stricken and insert "in equal annual installments over such period of years of not less than four years and not more than ten years as the mayor and council may determine at the time of making the levy. The first installment shall become delinquent fifty days after the making of such levy.".

3. Insert a new section 3 as follows:

"Sec. 3. If, after ten days notice by personal service or publication in a newspaper of general circulation, a property owner fails to make such connections and comply with such regulations as the council may order in accordance with section 2 of this act, the council may order such connection be made, and assess the cost thereof against the property so benefited.".

UNANIMOUS CONSENT–Print Amendments to LB 238

Mr. Bereuter asked unanimous consent to print the following amendments to LB 238 in the Journal. No objections. So ordered.

Amend LB 238 by striking the adopted amendment offered by Senator Savage (found on page 1393 of the Legislative Journal) and replace it with the following language:

No real property shall be included in any parking district created pursuant to this section when the zoning district in which such property is located is a residential zoning district or a district where the predominant type of land use authorized is residential in nature.

REFERENCE COMMITTEE REPORT

LB	Committee
537	General File

(Signed) Richard Marvel, Chairman; John Savage; William E. Nichol; R. Lewis; Jack Mills; Larry Stoney; Steve Fowler; Douglas Bereuter; and Roland Luedtke.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 385. Placed on General File.

(Signed) John DeCamp, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Clark asked unanimous consent to be excused Thursday, April 21, 1977. No objections. So ordered.

VISITORS

The President introduced 5 High School students and sponsors from Big Springs, Nebraska; 46 seventh and eighth grade students, teachers, and parents from St. Edward Junior High, St. Edward, Nebraska; 38 fifth grade students, teachers, and parents from Seward Elementary School, Seward; and 22 seniors and teachers from Dawson-Verdon, Dawson, Nebraska.

ADJOURNMENT

At 4:41 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, April 20, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SIXTH DAY—APRIL 20, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 20, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we pray each day for a great many people and a great many things. Today we ask only for a deeper insight into ourselves. Help us to know ourselves better. Help us to know our motivations and our goals. Help us to know what uplifts us and what lets us down.
>
> Help us to see ourselves as others see us. Help us to be sensitive to the feelings and needs of others so that in turn our feelings may be responded to and our own needs be met.
>
> In knowing ourselves better let us be able to be a mirror of the goodness and the wisdom of Your Son. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Brennan who was excused; Messrs. Koch, Venditte, Burrows, and Merz who were excused until they arrive; and Mr. Newell who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1503, line 6, correct spelling of "administering".
The Journal for the Sixty-Fifth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 238. Replaced on Select File as amended.
E & R amendment to LB 238:
1. In the Savage amendment, line 6, insert "or" after the comma.

LEGISLATIVE BILL 91. Replaced on Select File as amended.
E & R amendments to LB 91:

1. Insert a new section to read:

"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.".

2. In the title, line 2, insert ", 81-2,162.02, 81-2,162.06, 81-2,162.07," after "54-820.01"; and strike lines 4 to 6 as amended and insert "agriculture; to redefine a term; to provide exemptions from various requirements; and to".

LEGISLATIVE BILL 425. Replaced on Select File as amended.
E & R amendment to LB 425:

1. In line 4 of E & R 3, strike "53-512" and insert "43-512".

LEGISLATIVE BILL 110. Replaced on Select File as amended.
E & R amendments to LB 110:

1. In the Schmit amendments, page 1, lines 1 and 2, strike "section 3, page 997 of the Journal" and insert "page 3"; and in line 15 insert an underscored comma after "examination".

2. In line 2 of E & R 3, strike "and" and insert a comma and after "2-2614" insert ", and 2-2616"; and in line 5 insert "to provide duties;" after the second semicolon.

LEGISLATIVE BILL 510. Replaced on Select File as amended.
E & R amendments to LB 510:

1. In the Kremer amendment 2, line 1, insert "line 10," after the third comma.

2. On page 23, line 23, and in the title, line 5, strike "sections 2-3228 and" and insert "section".

LEGISLATIVE BILL 33. Placed on Select File as amended.
E & R amendments to LB 33:

1. In the second set of Koch amendments, page 1, line 12, strike "~~on~~" and insert "~~of~~" as in the statutes; and in line 16 insert an underscored colon after "district" and strike "for" and insert "For".

2. In the DeCamp amendment, line 3, insert an underscored comma after "not" and insert the amendment after the second comma in line 27, page 1, of the second set of Koch amendments.

3. On page 9, line 12, strike "exceed" and insert "exceeds"; and in line 19 insert an underscored comma after "that".

4. For correlation purposes, on page 9, line 25, insert ", as amended by section 1, Legislative Bill 117, Eighty-fifth Legislature, First Session, 1977" after "1976"; on page 11, line 21, strike "; Provided, not" and insert ". No"; and on page 11 after the period in line 24 insert "If a family resides in a Class I district which is part of a Class VI district, and has students enrolled in any grade of grades kindergarten through six in the Class I district and in any grade of grades seven and eight in the Class VI district, such family shall receive not more than one allowance for the distance actually traveled when both districts are on the same direct travel route with one district being located a greater distance from the residence than the other. In such cases, the travel allowance shall be prorated among the school districts involved. Unless the parties involved cannot mutually agree, the county superintendent of the district in which the school attended is located shall determine the pro rata share to be paid by each district. In the event the schools attended are in different counties, the respective county superintendents shall determine the proper pro rata amount each district shall pay.".

5. On page 11, line 9, strike "effected" and insert "affected".

6. On page 13, line 26, and in the title, line 4, strike "and" and strike "79-490,"; and on page 14, line 1, and in the title, line 6, insert ", and section 79-490, as amended by section 1, Legislative Bill 117, Eighty-fifth Legislature, First Session, 1977" after "1976".

7. In the title, line 2, strike "79-1335,"; and in line 13 strike "section" and insert "sections 79-1335 and".

LEGISLATIVE BILL 33A. Placed on Select File as amended.
E & R amendment to LB 33A:

1. In the Koch amendments, insert a comma after "1978" in lines 3 and 6 and after "1979" in line 6.

Correctly Engrossed

The following bills were correctly engrossed: 45, 93, 196, 228, and 472.

Correctly Enrolled

The following bills were correctly enrolled: 61, 303, 430, 503, 503A, 512, 512A, 515, 515A, and 90A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 61, 303, 430, 503, 503A, 512, 512A, 515, 515A, and 90A.

UNANIMOUS CONSENT—Print Amendment to LB 406

Mr. Nichol asked unanimous consent to print the following amendment to LB 406 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 406

1. On page 2, lines 7 and 24 strike "audiology,"; and in line 27 strike "Audiologist,".

2. On page 3, line 17 strike ", audiology,".

3. On page 5, lines 9 and 18 strike "audiology and" and in lines 9 and 10 and line 23 strike "Audiology and".

4. On page 6, line 4 after "appointed" insert "; Provided, that audiologist members of the board need not be licensed"; in line 22 strike "Audiology and" and in line 26 strike "audiology or".

5. On page 8, line 8 strike "Audiology and".

6. On page 9, line 16 after "profession" insert "." and strike beginning with "," in line 16 through the period in line 20 and show the period as stricken.

7. On page 10, line 12 strike "audiology and".

8. On page 11, line 3 strike "Audiology and"; and in line 15 strike "audiology and".

9. On page 15, line 24 strike "audiology or"

10. On page 16, line 22 strike ", audiology,".

11. On page 17, line 8 strike "Audiology and"; strike lines 9 through 24; and in line 25 strike "(4)" and insert "(2)".

12. On page 18, line 7 strike "(5)" and insert "(3)"; in line 19 strike "audiology or"; and in line 21 strike "or audiologist".

13. On page 19, lines 6, 17, 19, and 21 strike "audiology or".

14. On page 20, line 7 strike "audiologist or"; lines 8 and 20 strike "audiology or"; and in line 16 after "pathology" insert "," and strike "or audiology,".

15. On page 21, in lines 6 and 7 and lines 14 and 15 strike "Audiology and"; in line 8 strike "audiology or"; and in line 25 strike "audiologists and".

16. On page 22, line 16 strike "audiology or".

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 201.

A BILL FOR AN ACT relating to elections; to amend sections 3-502, 5-108, 32-460, 32-534, 79-902, and 79-2203, Reissue Revised Statutes of Nebraska, 1943, and sections 14-1003, 16-302.01, 17-107.02, 19-612, 32-421.01, 32-428.07, 32-4,101, 32-504, 32-803, 32-1001.39, and 79-2202.01, Revised Statutes Supplement, 1976; to revise and harmonize provisions; to provide an additional director of a metropolitan water district; to delete obsolete matter; to eliminate a restriction on candidates defeated in the primary; to provide for vacancies in office; to change time for taking certain actions; to change requirements for eligibility for office; to provide for expenses of technical community college elections; 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	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Mills	Moylan	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Maxey Murphy

Excused and not voting, 4:

Brennan Merz Swigart Venditte

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

LEGISLATIVE BILL 366.

A BILL FOR AN ACT to amend sections 44-127.01 to 44-127.03, 44-129, 44-2406, 44-2407, and 44-2410, Reissue Revised Statutes of Nebraska, 1943, and section 44-2403, Revised Statutes Supplement, 1976, relating to insurance; to change procedures relating to liquidation and insolvency as prescribed; to redefine terms; and to repeal the original sections, and also section 44-127.12, 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Mills	Moylan	Murphy	Nichol	Rasmussen
Reutzel	Rumery	Savage	Simon	Stoney
Venditte	Warner			

Voting in the negative, 2:

Newell Schmit

Present and not voting, 2:

Cullan Fowler

Excused and not voting, 3:

Brennan Merz Swigart

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

MOTION—Return LB 30 to Select File

Mr. Koch renewed his pending motion found in the Journal on page 1478 to return LB 30 to Select File for the specific amendment found in the Journal on page 1138.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Bereuter	Cope	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Koch	Kremer
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Maxey	Mills	Murphy	Nichol	Reutzel
Rumery	Savage	Venditte		

Voting in the negative, 22:

Boughn	Carsten	Chambers	Clark	Cullan
DeCamp	Duis	Dworak	Hefner	Kahle
Kelly	Keyes	F. Lewis	Marvel	Merz
Moylan	Newell	Rasmussen	Schmit	Simon
Stoney	Warner			

Present and not voting, 2:

Burrows Labedz

Excused and not voting, 2:

Brennan Swigart

The motion lost with 23 ayes, 22 nays, 2 present and not voting, and 2 excused and not voting.

MOTION—Return LB 30 to Select File

Mr. Chambers moved to return LB 30 to Select File for the following specific amendment:

Retain food tax credit at $16.00 then remove the tax on food and abolish the credit January 1, 1978.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 8 nays, and 13 not voting.

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

Voting in the affirmative, 18:

Burrows	Chambers	Dworak	Fitzgerald	Fowler
George	Koch	F. Lewis	Marvel	Maxey
Mills	Murphy	Newell	Reutzel	Savage
Simon	Stoney	Venditte		

Voting in the negative, 27:

Barnett	Bereuter	Boughn	Carsten	Clark
Cope	Cullan	Duis	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Merz	Moylan	Nichol	Rasmussen	Rumery
Schmit	Warner			

Present and not voting, 2:

DeCamp Labedz

Excused and not voting, 2:

Brennan Swigart

The motion lost with 18 ayes, 27 nays, 2 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT—Withdraw Amendments on LB 30

Mr. Maresh asked unanimous consent to withdraw his pending amendments found in the Journal on page 1149 to LB 30. No objections. So ordered.

MOTION—Return LB 30 to Select File

Mr. Lamb moved to return LB 30 to Select File for the following specific amendment:

Strike $24 and insert $20.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 15 nays, and 9 not voting.

The Lamb motion prevailed with 26 ayes, 19 nays, 2 present and not voting, and 2 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 344A. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; F. Lewis, 45th District; Mills, 44th District; Warner, 25th District; Goodrich, 20th District; Fowler, 27th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 58.

Introduced by Stoney, 4th District.

WHEREAS, acupuncture treatment is seen today as having positive and therapeutic uses in the treatment of such medical problems as chronic pain; and

WHEREAS, the office of the Attorney General of Nebraska and others view acupuncture as a part of the practice of medicine and surgery; and

WHEREAS, those who administer acupuncture treatments in Nebraska are not licensed or certified by the state in any way; and

WHEREAS, state licensing and certification of acupuncturists may increase availability of such treatment to Nebraskans as well as assure the level of quality and competancy of such treatment.

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

1. That the Legislature's Public Health and Welfare Committee conduct an interim study to determine the feasibility and desirability of licensing and certifying those persons who administer acupuncture treatments.

2. That the Committee make a report of its findings together with its recommendations for any possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 59.

Introduced by Stoney, 4th District.

WHEREAS, state government is charged with a public trust to maintain government spending levels which reflect needed government service without waste; and

WHEREAS, zero-based budgeting calls for review, evaluation, and analysis of proposed expenditures; and

WHEREAS, budget development techniques such as zero-based budgeting tend to uncover and reduce wasteful spending in government agency programs; and

WHEREAS, Nebraska's budgeting system currently provides many automatic budget increases which seem less likely to accomplish maximum economies in government spending.

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

1. That the Legislature's Appropriations Committee perform an interim study of the concept of zero-based budgeting and feasibility and workability of mandating zero-based budgeting to the budgeting process in Nebraska.

2. That the committee make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Mr. Schmit offered the following amendment:

AMENDMENTS TO LB 518

1. On page 3, section 3, line 22, strike "Effective January 1, 1978," and insert "For the fiscal year 1978-1979,".

2. On page 4, section 5, line 7, strike "Effective January 1, 1979," and insert "For the fiscal year 1979-1980,".

3. On page 4, section 7, line 18, strike "January 1, 1980, and each" and insert "with the fiscal year 1980-1981 and with each fiscal".

The amendment was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Keyes renewed his pending amendments found in the Journal on page 1376 and 1377.

Mr. Keyes withdrew his amendments to Section 3, Section 5, and Section 7.

Mr. Kelly asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

Mr. Keyes moved the adoption of the amendments to Section 4 and Section 6.

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

Mr. Mills requested a record vote on the Keyes amendments.

Voting in the affirmative, 9:

Barnett	Burrows	Kahle	Keyes	Kremer
Labedz	R. Lewis	Marvel	Newell	

Voting in the negative, 29:

Bereuter	Boughn	Carsten	Clark	Cope
DeCamp	Duis	Dworak	Fowler	George
Goodrich	Hasebroock	Koch	Lamb	F. Lewis
Luedtke	Maresh	Mills	Moylan	Murphy
Nichol	Rasmussen	Rumery	Savage	Schmit
Simon	Stoney	Venditte	Warner	

Present and not voting, 8:

Chambers	Cullan	Fitzgerald	Hefner	Marsh
Maxey	Merz	Reutzel		

Excused and not voting, 3:

Brennan	Kelly	Swigart

The Keyes amendments lost with 9 ayes, 29 nays, 8 present and not voting, and 3 excused and not voting.

Mr. Kelly withdrew his pending amendments found on page 1463.

Mr. DeCamp withdrew his pending amendments found in the Journal on page 1498 temporarily.

Mr. Burrows renewed his pending amendment found in the Journal on page 1499.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 19 nays, and 14 not voting.

Mr. Kremer 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 Burrows amendment found in the Journal on page 1499 lost with 9 ayes, 27 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Burrows renewed his pending amendment found in the Journal on page 1517.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

Mr. Burrows requested a record vote on the amendment.

Voting in the affirmative, 5:

Burrows	Kahle	Keyes	Labedz	Newell

Voting in the negative, 27:

Boughn	Carsten	Clark	Cope	Duis
Dworak	George	Goodrich	Hasebroock	Hefner
Koch	Kremer	Lamb	Luedtke	Maresh
Marsh	Marvel	Mills	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Venditte	Warner			

Present and not voting, 14:

Barnett	Bereuter	Chambers	Cullan	DeCamp
Fitzgerald	Fowler	F. Lewis	R. Lewis	Maxey
Merz	Moylan	Murphy	Stoney	

Excused and not voting, 3:

Brennan	Kelly	Swigart

The Burrows amendment found in the Journal on page 1517 lost with 5 ayes, 27 nays, 14 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT —Print Amendments to LB 186

Mr. DeCamp asked unanimous consent to print the following amendments to LB 186 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 186

1. Insert a new section 15 as follows:

"Sec. 15. Before any initial land-use or zoning plan is implemented for the first time in a county which previously has never adopted any type of land-use or zoning plan, the issue of whether to adopt and implement such a plan shall be voted on by the registered voters of the

county.".

2. Renumber original sections 15 and 16 as sections 16 and 17 respectively.

UNANIMOUS CONSENT—Print Amendments to LB 33

Mr. Koch asked unanimous consent to print the following amendments to LB 33 in the Journal. No objections. So ordered.

AMENDMENT TO LB 33 (1)

1. On page 3, line 10 strike "fifteenth" and insert "~~fifteenth~~ twenty-fifth".

AMENDMENTS TO LB 33 (2)

1. On page 2, line 3, after "79-1333." insert "(1)".

2. On page 3, after line 12 insert the following:

"(2) No school district shall receive less under sections 79-1330 to 79-1344 on a per pupil in average daily membership basis than (a) during fiscal year 1978, the amount of entitlement pursuant to sections 79-1330 to 79-1344 assuming an appropriation of seventy-five million dollars, (b) during fiscal year 1979, the amount of entitlement pursuant to sections 79-1330 to 79-1344 assuming an appropriation of ninety-five million dollars, or (c) that received during fiscal year 1977 pursuant to sections 79-1330 to 79-1344.".

3. On page 8, after line 4 insert the following:

"(3) If the provisions of subsection (1) of this section are not complied with, the Legislature shall appropriate the amount of funds sufficient to carry out the provisions of subsection (2) of section 79-1333."; line 5 strike "(3)" and insert "(4)".

AMENDMENTS TO LB 33 (3)

1. On page 8, line 4 after the period insert a new subsection to read as follows:

"(3) There is hereby appropriated twenty million dollars from the General Fund for the period 1977-78, and forty million dollars from the General Fund for the period 1978-79, to aid in carrying out the provisions of this act.".

2. On page 8, line 5 strike "(3)" and insert "(4)".

LETTER FROM ATTORNEY GENERAL

April 20, 1977

Dear Senator DeCamp:

You have requested our comments on L. B. 45 as advanced to E & R for Engrossment. We have previously issued an opinion that a substantially same version of the amendatory language was of questionable constitutional validity. The same is true with respect to the bill as we understand it to be presently worded.

This office is, of course, opposed to this legislation. We do not believe that it is needed nor do we believe that it is good legislation. Perhaps, we should review what has transpired insofar as our knowledge of this matter is concerned.

When the bill was reported out of Committee, the Committee indicated that while there were problems with this legislation they were voting to advance the bill so that it might have full discussion by the members of the Legislature. There were indications to this office that amendments would be proposed. Discussion was later had with Senator Rasmussen with reference to the validity of the bill under the Constitution of the State. As you recall former Attorney General Clarence Meyer appeared opposed to the bill and expressed his verbal opinion as to the invalidity of this legislation along with other bills which are presently bracketed on general file. We were requested to attempt to draft legislation or a proposed amendment for consideration by Senator Rasmussen and the Committee on Government and Military Affairs. This we did as a proposed amendment to L. B. 46. No suggested amendment to L. B. 45 was ever drafted. See page 1435, Legislative Journal, April 15, 1977.

In preparing these suggested amendments, we understood that it was at the request of a member of the Legislature. This was done to cure the constitutional defects. The procedure still would be cumbersome and expensive to the State. We have always felt, and still feel that the proposed legislation is bad.

In any event, the indication that appears on page 1435 of the Legislative Journal, April 15, 1977, is incorrect in at least two particulars. First, the Attorney General did not make any recommendations with respect to the wording of L. B. 45. Any recommendations were with reference to L. B. 46. Second, the recommendations quoted as being the recommendations of the Attorney General are taken out of context and are not complete. Standing alone these words are essentially the same as the wording of the original bill. We are attaching hereto and making a part hereof the complete proposal which we did prepare on request. We do emphasize again, that the procedure outlined would be cumbersome and expensive, and not needed.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gerald S. Vitamvas
Deputy Attorney General

GSV:dnj
Encl.

(Enclosure)
AMENDMENTS TO LB 46

1. Strike sections 1 to 3 and insert:

"Section 1. When the Attorney General issues a written opinion that an act of the Legislature is unconstitutional and any state officer charged with the duty of implementing the act, in reliance on such opinion, refuses to implement the act, the Attorney General shall, within ten working days of the issuance of the opinion, file an action in the appropriate court to determine the validity of the act. In any such action filed under the provisions of this section, the Attorney General may sue as defendant any person having a litigable interest in the matter or in lieu thereof may sue the Secretary of State. If the Secretary of State is named as defendant, it shall be his duty to defend such action and to support the constitutionality of the act of the Legislature and for such purpose is authorized to employ special counsel. Notwithstanding the provisions of this section, no such action need be brought by the Attorney General if there is pending in any court of the state a legal action for the purpose of testing the constitutionality of the act. Any person having a litigable interest may be joined in the action or may intervene in the action, but shall not be deemed a necessary party in order to determine the validity of the act.

Sec. 2. When the Attorney General determines, after such investigation as shall be necessary, that any agency of state government charged with the implementation of any act of the Legislature is failing or refusing to implement such act, he shall notify the agency head by letter of such determination. If, within ten working days of the receipt of such letter, it is not established to his satisfaction that steps to implement the act are being expeditiously taken, and there is no valid reason for failing to do so, such as a failure of an appropriation, the Attorney General shall file an action in the appropriate court to compel implementation.

In any such action the department head or the agency head shall defend the action and, if successful in his defense, the costs and a reasonable attorney's fee as fixed by the court, shall be paid out of the appropriation to the department. If the defense is not successful, the costs and attorney's fee shall be the personal cost of the individual department or agency head.

Sec. 3. This act shall be cumulative to any existing remedies which may exist.

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.

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. Newell asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518 (1)

1. On page 3, lines 16 and 22, strike "1978" and insert "1979".

2. On page 4, lines 1 and 7, strike "1979" and insert "1980"; and in lines 12 and 18, strike "1980", and insert "1981".

AMENDMENTS TO LB 518 (2)

1. Strike original sections 1 to 9 and insert three new sections as follows:

"Section 1. That section 77-202.29, Revised Statutes Supplement, 1976, be amended to read as follows:

77-202.29. Effective January 1, 1977, an ~~additional twelve and one-half per cent~~ exemption from actual value ~~to those totals already provided in sections 77-202.25, 77-202.26, 77-202.27, and 22-202.28~~ of fifty thousand dollars and a fifty per cent exemption from actual value for any actual value from fifty thousand dollars to one hundred thousand dollars shall be allowed for the classes of property as provided in section 77-202.25.

Sec. 2. That original section 77-202.29, Revised Statutes Supplement, 1976, is repealed.

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.".

Mr. Burrows asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. Insert a new section 1 as follows:

"Section 1. That section 77-202.25, Revised Statutes Supplement, 1976, be amended to read as follows:

77-202.25. Effective January 1, 1973, all persons required by sections 77-1201 and 77-1229, to list personal tangible property subject to taxation shall be allowed an exemption of ~~twelve and one half~~ one hundred per cent of the first one hundred thousand dollars actual value on the form prescribed in section 77-1229, on the following classes of property:

(1) Agricultural income-producing machinery and equipment~~, except (a) motor vehicles, as provided in section 77-1201, and section 77-1204, (b) property assessed by the State Board of Equalization and Assessment as provided in sections 77-601 to 77-675, (c) property owned by parties deemed public service companies subject to the provisions of sections 77-801 to 77-803, and (d) any building or fixture, whether permanently attached to the land or not;~~

(2) Business inventory as provided in section 77-1201, and sections 77-1231.01 and 77-1242; and

(3) Livestock as provided in sections 77-1262 to 77-1268~~;~~.

~~(4) Feed, fertilizer, and farm inventory subject to tax pursuant to section 77-1201;~~

~~(5) Grain and seed as provided in sections 77-1251 to 1261; Provided, that the twelve and one half per cent exemption shall be from the number of bushels reported pursuant to section 77-1253, rather than actual value; and~~

~~(6) Poultry, fish, honey bees, and fur bearing animals.~~".

2. On page 5, line 3 strike "section" and insert "sections 77-202.25"; and in line 4 strike "is" and insert "and also sections 77-202.26 to 77-202.29, Revised Statutes Supplement, 1976, are".

3. Renumber original sections 1 to 9 as sections 2 to 10 respectively.

Mr. Newell asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518 (3)

1. Strike sections 3, 5, and 7.
2. Renumber original sections 4, 6, 8, and 9 as sections 3 to 6 respectively.

AMENDMENTS TO LB 518 (4)

1. On page 2, strike beginning with "sections" in line 20 through "of" in line 21.
2. Strike section 2 and insert a new section 2 as follows:

"Sec. 2. Effective January 1, 1978, all persons required by sections 77-1201 and 77-1229, to list personal tangible property subject to taxation shall be allowed the following exemptions: (1) One hundred per cent of the first ten thousand dollars of actual value; and (2) fifty per cent of the next forty thousand dollars of actual value. No exemption shall be allowed for that amount of actual value which exceeds fifty thousand dollars.".

3. Strike sections 4 and 6.
4. On page 5, line 4, strike "is" and insert "and also sections 77-202.25 to 77-202.29, Revised Statutes Supplement, 1976, are".
5. Renumber original sections 3, 5, 7, 8, and 9 as sections 2 to 6 respectively.

AMENDMENTS TO LB 518 (5)

1. Strike sections 4 and 5
2. Renumber original sections 6 to 9 as sections 4 to 7 respectively.

AMENDMENTS TO LB 518 (6)

1. Strike sections 2 and 3.
2. Renumber original sections 4 to 9 as sections 2 to 7 respectively.

AMENDMENTS TO LB 518 (7)

1. On page 3, lines 16 and 22, strike "1978" and insert "1980".
2. On page 4, lines 1 and 7, strike "1979", and insert "1981"; and in lines 12 and 18, strike "1980" and insert "1982".

AMENDMENTS TO LB 518 (8)

1. Strike sections 6 and 7.
2. Renumber original sections 8 and 9 as sections 6 and 7 respectively.

AMENDMENTS TO LB 518 (9)

1. On page 3, lines 23 and 24, strike "fifty-eight million six hundred thousand" and insert "forty million".

2. On page 4, lines 8 and 9, strike "sixty-two million two hundred thousand", and insert "fifty million"; and in line 20, strike "seventy" and insert "sixty".

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Mr. Newell offered the following amendment:

Amend LB 518 to change the order of exemption to put farm equipment last and putting farm inventory first, and leaving business equipment second.

Mr. Maresh 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. Newell requested a record vote.

Voting in the affirmative, 4:

Burrows	Fitzgerald	Keyes	Newell

Voting in the negative, 28:

Boughn	Carsten	Clark	Cope	Duis
Dworak	George	Hasebroock	Hefner	Kahle
Koch	Kremer	Lamb	Luedtke	Maresh
Marsh	Marvel	Maxey	Mills	Nichol
Rasmussen	Reutzel	Rumery	Schmit	Simon
Stoney	Venditte	Warner		

Present and not voting, 14:

Barnett	Bereuter	Chambers	Cullan	DeCamp
Fowler	Goodrich	Labedz	F. Lewis	R. Lewis
Merz	Moylan	Murphy	Savage	

Excused and not voting, 3:

Brennan	Kelly	Swigart

The Newell amendment lost with 4 ayes, 28 nays, 14 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

Mr. Hasebroock announced the Nebraska Retirement Systems Committee will meet in executive session in Room 1019 at 12:00 noon today, April 20, 1977.

VISITORS

The President introduced 75 members from Nebraska New Car Dealers Association; 26 South Omaha merchants; 11 Recreational Vehicle Dealers; 4 members from the Midwest Farm Equipment Association; 12 women involved in farm economics "WIFE"; 35 fourth grade students and teachers from Underwood Hills Elementary, Omaha; 90 fourth grade students, teachers, and sponsors from Aurora; 23 fourth grade students, teacher, and parents from Nebraska City; 31 sophomores and teacher from Friend; 50 seniors and teacher from Gibbon; and 40 fourth grade students, teachers, and parents from Aurora South Elementary School, Aurora.

RECESS

At 12:00 noon, on a motion by Speaker Luedtke, 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 Mr. Brennan who was excused; Messrs. Kelly, F. Lewis, Swigart, Maresh, Rasmussen and Mrs. Labedz who were excused until they arrive; and Mr. Marvel who was excused until 2:30 p.m.

SELECT FILE

LEGISLATIVE BILL 516. E & R amendments found in the Journal on page 1480 for the Sixty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 485. E & R amendments found in the Journal on page 1481 for the Sixty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 328. E & R amendment found in the Journal on page 1481 for the Sixty-Fifth Day was adopted.

LEGISLATIVE BILL 344. E & R amendments found in the Journal on page 1481 for the Sixty-Fifth Day were adopted.

Mr. Cullan requested a machine vote to advance LB 344.

Advanced to E & R for Engrossment with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 263. E & R amendments found in the Journal on page 1482 for the Sixty-Fifth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 114. Mr. Stoney asked unanimous consent to bracket LB 114 until May 2, 1977. No objections. So ordered.

LEGISLATIVE BILL 184. Mr. Schmit asked unanimous consent to bracket LB 184 until May 8, 1977. No objections. So ordered.

LEGISLATIVE BILL 290. Title read. Considered.

Mrs. Labedz renewed her pending amendments found in the Journal on page 1510 to the Standing Committee amendments.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 7 nays, and 19 not voting.

Mr. Maresh 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. DeCamp moved for a Call of the House. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Mr. DeCamp requested a roll call vote on the Labedz amendment.

Voting in the affirmative, 22:

Bereuter	Burrows	Carsten	Chambers	Dworak
Fowler	Kelly	Keyes	Koch	Labedz
F. Lewis	Maresh	Maxey	Mills	Moylan
Murphy	Newell	Rasmussen	Reutzel	Savage
Simon	Warner			

Voting in the negative, 21:

Barnett	Boughn	Clark	Cope	Cullan
DeCamp	Duis	Fitzgerald	George	Hefner
Kahle	Kremer	Lamb	R. Lewis	Luedtke
Marsh	Merz	Nichol	Rumery	Schmit
Stoney				

Present and not voting, 3:

Goodrich	Hasebroock	Venditte

Excused and not voting, 3:

Brennan	Marvel	Swigart

The Labedz amendment was adopted with 22 ayes, 21 nays, 3 present and not voting, and 3 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Standing Committee amendments pending, as amended.

SELECT FILE

LEGISLATIVE BILL 30. Mr. Lamb renewed his pending specific amendment found in this day's Journal.

Mr. Rumery moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 6 nays, and 19 not voting.

Mr. Hefner 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. Bereuter requested a record vote on the Lamb amendment.

Voting in the affirmative, 27:

Boughn	Carsten	Clark	Cope	Duis
Goodrich	Hasebroock	Hefner	Kahle	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Merz	Moylan	Murphy
Nichol	Rasmussen	Rumery	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 17:

Barnett	Bereuter	Burrows	Chambers	Cullan
DeCamp	Dworak	Fowler	Kelly	Keyes
Koch	F. Lewis	Maxey	Mills	Newell
Reutzel	Simon			

Present and not voting, 4:

Fitzgerald	George	Savage	Schmit

Excused and not voting, 1:

Brennan

The Lamb amendment was adopted with 27 ayes, 17 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 10 nays, and 17 not voting.

Motion to advance to E & R for Engrossment pending.

MOTION–Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 812)

Mr. Warner moved for a Call of the House. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The motion to introduce the new bill prevailed with 32 ayes, 9 nays, 7 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Hasebroock asked unanimous consent to be excused. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 538. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District, Vice Chairman; Cope, 36th District; Rumery, 42nd District; Marsh, 29th District; Hasebroock, 18th District; Fowler, 27th District.

A BILL FOR AN ACT relating to the Nebraska Psychiatric Institute; to provide authority for determining patient care costs as prescribed; and to declare an emergency.

GENERAL FILE

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 530. Considered.

Mr. Mills offered the following amendment to the pending R. Lewis amendment:
Strike Line 2 and 3

Mr. Mills withdrew his amendment.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 1494, as amended.

Mr. Venditte asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

PRESIDENT WHELAN PRESIDING

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The R. Lewis amendment, as amended, was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Mr. Kelly renewed his pending amendment found in the Journal on page 1499.

Mr. Schmit asked unanimous consent to be excused. No objections. So ordered.

Mr. Kelly withdrew his amendment.

Mr. Koch offered the following amendment:

Amend the Committee Amendments to LB 530

1. In the committee amendment 4 to LB 530, Journal page 1515, insert new subsection as follows:

"(f) Each agency may allocate up to one half of one per cent of total permanent salaries and wages paid for the fiscal year ending June 30, 1977, for salary increases to be awarded, at the discretion of the agency, for meritorious performance in accordance with the State Personnel System Rules and Regulations."

Mr. Koch withdrew his amendment.

Mr. Keyes offered the following amendment:
No 3 Line 20 New Sec. E. R. Lewis amendment
Beginning July 1st, 1978 all gasoline sold in this State shall
contain no less than ten per cent grain alcohol and
beginning July 1st, 1980 all diesel fuel in this State shall
contain no less than five per cent grain alcohol.

Mr. Keyes moved for a Call of the House. The motion prevailed with 14 ayes, 10 nays, and 25 not voting.

Mr. Keyes requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Burrows	Chambers	Dworak	Fitzgerald	Fowler
George	Keyes	Labedz	F. Lewis	R. Lewis
Maresh	Merz	Moylan	Newell	Nichol
Reutzel	Simon			

Voting in the negative, 23:

Bereuter	Boughn	Carsten	Clark	Cope
Cullan	Duis	Goodrich	Hefner	Kahle
Koch	Lamb	Luedtke	Marsh	Marvel
Maxey	Mills	Murphy	Rasmussen	Rumery
Stoney	Swigart	Warner		

Present and not voting, 5:

Barnett	DeCamp	Kelly	Kremer	Savage

Excused and not voting, 4:

Brennan Hasebroock Schmit Venditte

The Keyes amendment lost with 17 ayes, 23 nays, 5 present and not voting, and 4 excused and not voting.

Mr. R. Lewis moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for Review with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

REFERENCE COMMITTEE REPORT

LB	Committee
538	Appropriations

(Signed) Richard Marvel, Chairman; William Nichol; Douglas Bereuter; R. Lewis; Jack Mills; Steve Fowler.

BILL ON FIRST READING

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

LEGISLATIVE BILL 247A. By Kremer, 34th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 247, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT—Print Amendments to LB 192

Mr. Burrows asked unanimous consent to print the following amendments to LB 192 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 192

1. On page 6, strike all of original section (6) and insert a new section (6) as follows: "Sec. 6. Notwithstanding any other provision of law, after the effective date of this act, on or before August 1, 1978 and on or before August 1 of every year thereafter, the board of education of each school district shall report in writing to the Department of Revenue the entire revenue raised by taxation and all other sources, and received by such board of education for the previous fiscal year, and a budget for the ensuing fiscal year."
2. On page 7, strike lines 24 through 27 and insert: "(a) The

amount of the approved school district budget, as reported in section 6 of this act, less the total total receipts from state and federal sources and all non-revenue receipts, shall be divided by the total resident individual adjusted gross income of the school district"

3. On page 9, strike lines 1 through 4 and insert "(d) If the tax rate imposed by this act exceeds ten per cent, then the difference between the revenue generated at that rate and the amount required for such school district shall be"

4. On page 11, line 18 after the word "taxpayers" strike "~~and~~" and insert "; provisions for withholding; and,"

UNANIMOUS CONSENT–Print Amendments to LB 532

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

1. page 49, lines 11 and 12, strike 89,923 and insert 71,000
2. page 51, line 10, strike 1,116,816 and insert 1,080,000
   line 12, strike 2,352,280 and insert 2,315,464
3. page 51, lines 17 + 18, strike 1,228,162 and insert 1,190,041
4. page 51, lines 24, strike 3,058,303 and insert 2,964,443
   page 52, line 1, strike 15,799,374 and insert 15,705,514

Mr. Koch asked unanimous consent to print the following amendment to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

1. On page 32 line 2 strike "217,092" and insert "218,432"; line 3, strike "830,249" and insert "835,245"; line 4 strike "1,047,341" and insert "1,053,641".

UNANIMOUS CONSENT–Print Amendments to LB 427

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 427 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 427

1. Strike sections 1 and 2 and insert:

"Section 1. That section 39-6,150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,150. A rotating or flashing amber light or lights shall be displayed on the roof of any motor vehicle being operated by any rural mail carrier outside the corporate limits of any municipality in this state when stopping on or near any road or highway in the process of delivering mail. A rotating or flashing amber

light or lights may be displayed on any vehicle of the Military Department while on any state emergency mission, any motor vehicle being operated by any public utility, vehicle service, towing service, or any publicly or privately-owned construction or maintenance vehicle while performing its duties on or near any road, street, or highway, any motor vehicle being operated by any member of the Civil Air Patrol, any pilot vehicle escorting an overdimensional load, or any vehicle while actually engaged in the moving of houses, building, or other objects of extraordinary bulk, including unbaled livestock forage as authorized by subdivision (5) of section 39-6,177.

Sec. 2. That original section 39-6,150, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Warner asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

COMMITTEE AMENDMENTS TO LB 532

(1) LB 482, which was signed by the Governor raises the Board per diem of the Game and Parks Commissioners by $6,300. This amendment raises the personal services limitation by that amount.
(a) Page 32, line 6, strike "631,113" and insert "637,413."

(2) This amendment corrects editing errors in LB 532.
(a) Page 4, line 24, strike "11,380,280" and insert "11,380,203."
(b) Page 53, line 16, strike "Agency" and insert "Program."
(c) Page 56, line 3, strike "317,449" and insert "317,499."

(3) This amendment corrects the cash, trust, distributive funds listed at the back of LB 532.
(a) on page 80, after line 5, insert a new subsection:
"(29) State Claims Board: Tort Claims Fund"
(b) on page 81, line 5 strike "Dora Reeves" and insert "Nebraska Library Commission"
(c) On page 85, after line 8 insert a new subsection:
"(6) Nebraska Commission on Drugs: Umbrella Grant Distribution Fund"

(4) This amendment adds to the personal services budget for the positions of Assistant to the Director and .5F.T.E Buyer III.
On page 49, line 11 and 12, change "89,923" to "95,832":
On page 49, line 14, change "80,359" to "86,439" and on line 15, change "71,747" to "77,352".

On page 49, line 17, change "232,152" to "238,302" and line 19, change "2,977,874" to "2,984,024".
On page 51, line 24, strike "3,058,303 and insert "3,070,362".
On page 52, line 1 strike "15,799,374" and insert "15,811,433".

MOTION – Suspend Rules

Mr. Warner moved to suspend the rules, Rule 5, Sec. 5 for the introduction of a new bill by the Committee on Appropriations.

The motion prevailed with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

MOTION – Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 875)

The motion prevailed with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 539. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Marsh, 29th District; Goodrich, 20th District; Fowler, 27th District; Savage, 10th District.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 532, Eighty-fifth Legislature, First Session, 1977; to provide for repeal; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
539	General File

(Signed) Marvel, Chairman; Nichol, Stoney, Luedtke, Mills, Fowler, Savage, R. Lewis, and Bereuter.

ADJOURNMENT

At 4:30 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, April 21, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-SEVENTH DAY – APRIL 21, 1977

LEGISLATIVE JOURNAL

SIXTY-SEVENTH DAY—APRIL 21, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 21, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, when we ponder the problems of Nebraska, the Country, and the World, we get the feeling sometimes that we ought to quit and go sit under a tree.
>
> The road seems endless, the hills insurmountable and the streams uncrossable.
>
> It seems that no one really cares but a few of us; and we don't really trust most of them.
>
> But somehow we go on. And when we consider that every generation in the memory of man has felt the same way, we get some consolation. Then we consider why we stayed - which is to do Your Will and to serve Your people - the struggle makes sense.
>
> Then we remember that You have promised us to be with us to guide and guard us; that Your Son's victory over death is the basis for our hope; that we live not for ourselves, but for You; all our troubles come into perspective and our day makes sense. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan and Clark who were excused.

CORRECTIONS FOR THE JOURNAL

Page 1541, line 4, insert "Advanced to E & R for Engrossment."
The Journal for the Sixty-Sixth Day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 21, 1977, at 8:55 a.m., were the following bills: 61, 303, 430, 503, 503A, 512, 512A, 515, 515A, and 90A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 201 and 366.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 201 and 366.

UNANIMOUS CONSENT–Print Amendments to LB 532

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

1. page 21, line 5, strike 3,645,733 and insert 3,551,873
   line 7, strike 9,680,133 and insert 9,586,273
2. page 22, line 21, strike 50,521,572 and insert 50,427,712
   line 24, strike 149,875,494 and insert 149,781,634

AMENDMENT TO LB 532

1. on page 2, line 12, strike 5,437,623 and insert 5,343,763
   line 14, strike 5,592,914 and insert 5,499,054
2. on page 3, line 18, strike 27,176,160 and insert 27,082,300
   line 22, strike 27,966,801 and insert 27,872,941

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 81.

A BILL FOR AN ACT relating to the Game and Parks Commission; to state a purpose; to define terms; to provide for permits to enter the

Nebraska state park areas as prescribed; to provide for issuance of permits; to provide for fees and disbursement thereof; to provide duties for the Game and Parks Commission; to provide for violations and 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, 43:

Barnett	Bereuter	Boughn	Burrows	Carsten
Cope	DeCamp	Duis	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Labedz	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 2:

Chambers Lamb

Present and not voting, 2:

Cullan Nichol

Excused and not voting, 2:

Brennan Clark

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

LEGISLATIVE BILL 81A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 81, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Burrows	Carsten
Cope	Cullan	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 1:

Chambers

Excused and not voting, 2:

Brennan Clark

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

MOTION–Return LB 419 to Select File

Mr. Mills moved to return LB 419 to Select File for the specific amendment found in the Journal on page 1356.

The motion prevailed with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Mr. Newell renewed his pending amendment (1) found in the Journal on page 1536.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 10 nays, and 19 not voting.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Newell amendment (1) lost with 8 ayes, 24 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Newell renewed his pending amendment (2) found in the Journal on page 1536.

The Newell amendment (2) lost with 6 ayes, 20 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Reutzel asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Burrows renewed his pending amendment found in the Journal on page 1537.

Mr. Newell offered the following amendment to the Burrows amendment:
To Amend the Burrows amendment to strike $100,000 of actual value to $200,000 of actual value

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 10 nays, and 22 not voting.

The Newell amendment to the Burrows amendment lost with 11 ayes, 21 nays, 14 present and not voting, and 3 excused and not voting.

The Burrows amendment pending.

UNANIMOUS CONSENT—Print Amendments to LB 33 and LB 131

Mr. DeCamp asked unanimous consent to print the following amendments to LB 33 and LB 131 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 33 or
Substitute Bill for 131

1. On page 13, insert new sections to read as follows:
"Sec. 13. The Nebraska Legislature hereby determines that ad valorem taxes are important to the effectiveness of all levels of local government. There are many and varied districts levying ad valorem taxes which overlap assessment districts. The effective administration of ad valorem taxes necessitates equality of assessment in various counties which are the assessment districts. The purposes of sections 13 to 20 of this act are to achieve equalization among the several counties while not causing unfair fluctuations in valuation and taxes so as to more adequately

insure equality in taxation and education as well as quality education.

Sec. 14. Each county shall reappraise all lands and improvements in such county on or before January 1, 1978. The Tax Commissioner shall by rule establish standards for such reappraisal. The standards shall be such as to insure the determination of actual value on a consistent basis in accordance with the formula prescribed in section 77-112.

Sec. 15. No reappraisal shall be valid until approved by the Tax Commissioner. When the Tax Commissioner shall determine that the reappraisal has been completed he or she shall so certify such determination to the county officials which undertook such reappraisal. The values established pursuant to such undertaking shall be used for purposes of property taxation of all property so appraised. Each property owner shall be notified of the valuations to be used in the manner required by section 77-1315.

Sec. 16. Any taxpayer aggrieved by a reappraisal as approved by the Tax Commissioner may file an appeal in the district court of the county in which the property reappraised is located within thirty days after the date of the approval of the reappraisal by the Tax Commissioner. All appeals shall be taken as provided in Chapter 84, article 9. The Tax Commissioner shall cause to be advertised the fact of such approval in a paper of general circulation in the county. The thirty-day appeal period shall run from the first day of such publication.

Sec. 17. Counties may enter into reappraisal contracts or agreements for such reappraisal as provided in Chapter 77, article 13.

Sec. 18. The Tax Commissioner shall notify the State Treasurer of each county which does not reappraise property pursuant to section 14 of this act. If a county does not reappraise prior to January 1, 1978, ninety-five per cent of the money to which school districts within such county would be entitled under sections 1 to 12 of this act shall be distributed to such school districts and five per cent shall be forfeited to the state and transferred to the School Foundation and Equalization Fund. If a county does not reappraise its lands and improvements prior to January 1, 1979, eighty per cent of the money to which school districts within such county would be entitled under sections 1 to 12 of this act shall be distributed to the county and twenty per cent of such money shall be forfeited to the state and transferred to the School Foundation and Equalization Fund. If a county does not reappraise its lands and improvements prior to January 1, 1980, and for each year after such date

for which a reappraisal has not been completed, fifty per cent of the money to which school districts in such county would be entitled under sections 1 to 12 of this act shall be distributed to the school districts and fifty per cent of such money shall be forfeited to the state and transferred to the School Foundation and Equalization Fund.

Sec. 19. Every school district shall adjust that portion of its budget for operating and maintenance purposes for the upcoming fiscal year so as not to exceed seven per cent of the previous year's budget funded by ad valorem taxes or the average increase by percentage for the three such preceding budgets, whichever is greater. When determining the budget to be funded by ad valorem taxes pursuant to this section, every school district (1) may increase such budget limit otherwise established pursuant to this section by the amount of receipts lost or to be lost from any state sources and (2) shall reduce such budget limitation established pursuant to this section by the amount of increased receipts from state sources. Any school district may, in lieu of complying with the limitations on increasing that portion of the budget funded by ad valorem taxes as set forth herein, increase such budget by the same proportion as the average daily membership or population of the district increased the prior year.

Sec. 20. (1) If the governing body of any school district determines that a budget funded from ad valorem taxes higher than is permitted by section 19 of this act is needed, it shall after completing the budget process required by statute hold a public meeting to receive input from the public regarding the advisability of exceeding the limits prescribed by section 19 of this act. Such public meeting shall be advertised and conducted in the same manner as public hearings required for the adoption of the budget.

(2) Following such public hearing the governing board of such district shall have the authority to adjust any item of the budget.

(3) The hearing and decisions required by this section shall be held during the month of August in the year in which the budget is to be adopted.".

2. Renumber original section 14 as section 21.

UNANIMOUS CONSENT—Print Amendments to LB 33

Mr. DeCamp asked unanimous consent to print the following amendments to LB 33 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 33

1. Insert new sections 14 to 17 as follows:

"Sec. 14. For purposes of providing additional money to the School Foundation and Equalization Fund, a tax on nonprofit corporations is hereby created.

Sec. 15. Any nonprofit corporation which has net assets in excess of one hundred million dollars and which has an increase in net assets or has net income for a particular accounting period shall use such net income or increase in net assets for charitable or religious purposes. Any increase in net assets or any net income shall be used for such purposes within two years from the period in which such increase or income occurred.

Sec. 16. If the increased net assets or any net income are not used as required by section 1 of this act, a tax of fifteen per cent shall be levied against any net income and collected by the Department of Revenue.

Sec. 17. Any money collected pursuant to section 15 of this act shall be credited to the School Foundation and Equalization Fund.

Sec. 18. The Tax Commissioner shall promulgate such rules and regulations as he deems necessary to carry out the provisions of this act.".

REPORT OF EMPLOYEES

April 21, 1977

During the month of March, 1977, there were 170 full and part-time Session employees. They were paid a total of $97,764.81, of which $10.40 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.

Vincent D. Brown
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 419. The Mills specific amendment found in the Journal on page 1356 was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 30. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 398. E & R amendments found in the Journal on page 1459 for the Sixty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. Mr. Rasmussen asked unanimous consent to have LB 257 and LB 257A bracketed until Tuesday, April 26, 1977. No objections. So ordered.

LEGISLATIVE BILL 91. E & R amendments found in the Journal on page 1522 for the Sixty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 425. E & R amendment found in the Journal on page 1522 for the Sixty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 110. E & R amendments found in the Journal on page 1522 for the Sixty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 510. E & R amendments found in the Journal on page 1522 for the Sixty-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 232. Mr. Duis offered the following amendment:

1. On page 2, strike beginning with "The" in line 3 through the period in line 5.

Mr. Bereuter offered the following amendment to the Duis amendment:

Amend the Duis amendment by deleting only the words "executive department or a" in lines 3 and 4, page 2 of LB 232 and the words ", as determined by the Governor" on line 5, page 2 of LB 232.

MR. MARVEL PRESIDING

Mr. Venditte moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Bereuter amendment to the Duis amendment was adopted with 25 ayes, 19 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Mr. Duis asked unanimous consent to withdraw his amendment, as amended.

Mr. Bereuter objected.

Mr. Duis moved to withdraw his amendment, as amended. Mr. Duis withdrew his motion.

Mr. Newell asked unanimous consent to be excused at 11:15 a.m. until 1:30 p.m. No objections. So ordered.

The Duis amendment, as amended, was adopted with 25 ayes, 7 nays, 13 present and not voting, and 4 excused and not voting.

Mr. Warner asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Duis offered the following amendment:

1. On page 3, strike lines 2 to 5 and insert:
"(4) To recommend to the Governor and the Legislature energy policies and conservation measures for the state and to carry out such measures as are adopted;".
2. On page 3, line 9, after "available" insert "to the State Energy Office"; in line 15, after the semicolon, insert "and" in line 17 after "suggesting" insert "to the Governor"; in line 18, strike "and"; and strike lines 19 and 20.
3. On page 4, line 16, after "cooperate" insert "and participate"; and in line 17 strike "and participate".
4. Insert a new section 5 as follows:
"Sec. 5. Notwithstanding any provisions of this act, the State Energy Office shall not perform any duties or exercise any powers which are delegated to other agencies or subdivisions of state government.".

Mr. Fowler offered the following amendment to the Duis amendment:

Amend Duis amendment strike line 8 after the semicolon strike the rest of the line and strike all of line 9 in Duis amendment.

The Fowler amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The Duis amendment, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Venditte offered the following amendment:

On page 4 section 3 sub-section 5 strike lines 12 and 13 and add "The Director of the State Energy Office will carry out the duties and responsibilities relating to energy.

The Venditte amendment was adopted with 25 ayes, 3 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LETTER FROM ATTORNEY GENERAL

April 18, 1977

Dear Senator Luedtke:

We wish to advise you that representatives of the Nebraska Department of Public Institutions and representatives of the American Federation of State, County and Municipal Employees have met and now agree to a contract in substance and form which is to be submitted to your honorable body for approval as required by section 48-837, R.R.S. 1943. The new contract is similar to the one which is now in effect until July 1, 1977 and which was previously approved by your honorable body.

We believe that it would be appropriate for representatives of both sides to appear before such members of the Legislature as you deem appropriate for the purpose of answering any questions which might exist with regard to the agreement. We would appreciate your advising us as to the time and place for such meeting.

We enclose, for your initial examination, two copies of the agreement and we will be glad to provide you with such additional copies as you require.

We particularly call your attention to the fact that with regard to the matter of salary and similar fringe benefits, the parties have agreed to abide by the budget eventually passed by the Legislature and approved by the Governor. For that reason this contract may be considered by the Legislature prior to the adoption of the budget.

Very truly yours,

(Signed) Paul L. Douglas
Attorney General

PLD:pjf
Enclosure
(Copy of Agreement on file in the Clerk's Office.)

UNANIMOUS CONSENT–Print Amendments to LB 33

Mr. Murphy asked unanimous consent to print the following amendments to LB 33 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 33

On page 8, line 25, strike "increased" and insert "changed"
On page 8, line 26, strike "increase" and insert "change"
On page 9, line 1, strike "increase" and insert "change"
On page 9, line 5, strike "increased" and insert "changed"
On page 9, line 6 and line 9, strike "increase" and insert "change"

UNANIMOUS CONSENT–Print Amendments to LB 539

Mr. Burrows asked unanimous consent to print the following amendments to LB 539 in the Journal. No objections. So ordered.

AMENDMENT TO LB 539
THE LEGISLATIVE INTENT BILL FOR LB 532

Add the following new section: Agency 18 - Department of Agriculture -- The personal services appropriation herein for inspection staff in programs conducting inspection activities, are based on the current organization of the agency inspection system. The Department of Agriculture shall cause a reorganization of such system by June 30, 1978, that will result in a significant force reduction. Such reorganization shall consider, but not be limited to, the following:

1. The legal and policy qualifications of each inspector position, and the possibility of multiple inspection duties for such positions.

2. The role of the Department of Agriculture and the possibility of contractual agreements with other governmental entities to avoid unnecessary duplications.

3. The different kinds of similar inspections required by all levels of government, that a given type of business is subject to.

4. The frequency of similar inspections required by all levels of government, and whether such frequency is set by law or agency rules and regulations.

The Department of Agriculture shall submit by September 15, 1977, their plan for such a reorganization, including staff organizational charts. By January 1, 1978, the department shall submit to the legislature, any proposed legislation necessary to implement such a reorganization plan, including modification of qualifications of inspectors, and inspection requirements.

SELECT FILE

LEGISLATIVE BILL 238. E & R amendment found in the Journal on page 1521 for the Sixty-Sixth Day was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 483. E & R amendments found in the Journal on page 1324 for the Sixtieth Day were adopted.

Mr. George renewed his pending amendments found in the Journal on page 1518.

Mr. Duis offered the following amendment to the George amendment:
1. In the George amendments, found in the Journal on page 1519, strike beginning with "publication" in line 24 through the underscored comma in line 25 and insert "certified mail,".

The Duis amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

The George amendment, as amended, was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Bereuter offered the following amendent to LB 483:
(1) The word "related" be inserted after the word "from" in line 5, page 5.
(2) The word "district" be inserted after the word "assessments".
(3) Strike the words "for such improvements" from lines 5-6, page 5.

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 486. Mr. Koch renewed his specific amendment found in the Journal on page 1495.

The amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390. The E & R amendment found in the Journal on page 1480 for the Sixty-Fifth Day was adopted.

Mr. Mills renewed his pending amendment found in the Journal on page 1463.

Amendment pending.

Mr. Mills moved to have the bill laid over.

LEGISLATIVE BILL 390A. Laid over at the request of Mr. Mills.

LEGISLATIVE BILL 161. E & R amendments found in the Journal on page 1480 for the Sixty-Fifth Day were adopted.

Mr. Murphy renewed his pending amendment found in the Journal on page 1471.

Mrs. Marsh offered the following amendment to the Murphy amendment:
"If applied equally"

The Marsh amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

The Murphy amendment, as amended is pending.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in Room 2102 at 4:00 p.m., today and Friday, April 22, 1977.

VISITORS

The President introduced Henrik Curtz of Denmark, Personal Secretary to the Minister of Agriculture; 26 third through sixth grade students and teachers from Deshler Public School, Deshler; 21 seniors and teacher from Davenport Community School, Davenport, Nebraska; and Former Senator Bill Diers from York County, and Former Governor Dwight Burney from Hartington.

RECESS

At 12:04 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Clark, and Reutzel who were excused; Messrs. Barnett, Boughn, Marvel, Chambers, Schmit and Mesdames. Labedz and Maxey who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 161. The Murphy amendment found in the Journal on page 1471, as amended, was renewed.

Mr. Murphy 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 25 ayes, 1 nay, and 23 not voting.

The Murphy amendment, as amended, was adopted with 26 ayes, 3 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 161A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162. Mr. Stoney withdrew his pending amendment found in the Journal on page 1454.

Mr. Stoney offered the following amendment:
On page 6 reinstate the stricken matter and strike the new matter in lines 3 and 4.

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

Mr. Newell offered the contents of LB 535 as an amendment to LB 162.

Mr. Newell asked unanimous consent to bracket LB 162.

Mr. Nichol objected.

Mr. Newell moved to bracket LB 162 until Monday, April 25, 1977.

The motion to bracket lost with 15 ayes, 16 nays, 10 present and not voting, and 8 excused and not voting.

Mr. Newell moved to indefinitely postpone. Motion pending.

Mr. Chambers moved to suspend Rule 7, Sec. 3 and consider the indefinitely postpone motion today.

Mr. Chambers moved for a Call of the House. The motion prevailed with 16 ayes, 15 nays, and 18 not voting.

Mr. Chambers requested a roll call vote on the motion to suspend the rules.

Voting in the affirmative, 19:

Burrows	Carsten	Chambers	Cullan	Duis
Fowler	Kahle	Kelly	Luedtke	Marsh
Maxey	Murphy	Nichol	Rasmussen	Rumery
Savage	Stoney	Swigart	Venditte	

Voting in the negative, 18:

Cope	Fitzgerald	George	Hasebroock	Hefner
Keyes	Koch	Labedz	Lamb	F. Lewis
R. Lewis	Maresh	Mills	Moylan	Newell
Schmit	Simon	Warner		

Present and not voting, 6:

Bereuter	DeCamp	Dworak	Goodrich	Kremer
Merz				

Excused and not voting, 6:

Barnett	Boughn	Brennan	Clark	Marvel
Reutzel				

The motion lost with 19 ayes, 18 nays, 6 present and not voting, and 6 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

LB 162 laid over.

LEGISLATIVE BILL 33. E & R amendments found in the Journal on page 1522 for the Sixty-Sixth Day were adopted.

Mr. Koch renewed his pending amendment (1) found in the Journal on page 1533.

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

The Koch amendment (1) was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Koch renewed his pending amendment (2) found in the Journal on page 1533.

The Koch amendment (2) was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Koch renewed his pending amendment (3) found in the Journal on page 1533.

The Koch amendment (3) was adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Mr. DeCamp withdrew his pending amendments found in this day's Journal on page 1554 and page 1557.

Mr. Murphy renewed his pending amendment found in this day's Journal on page 1561.

The Murphy amendment was adopted with 28 ayes, 1 nay, 15 present and not voting, and 5 excused and not voting.

Mr. Cullan offered the following amendment:

Amend LB 33 page 7 line 22 strike forty percent of the current operating expenditures for elementary and secondary public education and insert until the state aid fund reaches 115 million dollars.

The amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Mr. Murphy offered the following amendment:

Amend LB 33 page 13, sec. 14: that section 79-4,160 is hereby repealed

The amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. F. Lewis offered the following amendment:
Page 14, line 1 strike "section" and insert "sections 79-1340 and"

The amendment was adopted with 26 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 33A. E & R amendment found in the Journal on page 1523 for the Sixty-Sixth Day was adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 238 to Select File

Mr. Savage moved to return LB 238 to Select File for the Bereuter specific amendment found in the Journal on page 1519.

The motion prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 238. The Bereuter specific amendment on page 1519 as offered by Mr. Savage was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

ANNOUNCEMENT

Mr. DeCamp announced an executive session of the Banking, Commerce, and Insurance Committee at 3:15 p.m. to consider 202 and 464.

STANDING COMMITTEE REPORT
Business and Labor

LEGISLATIVE BILL 535. Placed on General File.

(Signed) Richard Maresh, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Warner asked unanimous consent to print amendments to LB 532. No objections. So ordered.
(Amendments printed separate from the Journal and on file in the Clerk's office—Req. No. 2622)

UNANIMOUS CONSENT—Print Amendment to LB 510

Mr. Keyes asked unanimous consent to print the following amendment to LB 510 in the Journal. No objections. So ordered.

AMENDMENT TO LB 510

Page 11, Line 7 following the period insert the following:

Commencing January 1, 1978, the Nebraska Natural Resources Commission shall consist of the fifteen members selected or appointed pursuant to subsection (2) of this section and two additional members, to be appointed by the Governor subject to confirmation by the Legislature, from each natural resources district wholly encompassing a city of the metropolitan class. Appointments of such additional members shall be from lists of nominees submitted in writing to the Governor by the boards of directors of such natural resources district. Such additional members also serve at the pleasure of the Governor.

UNANIMOUS CONSENT—Member Excused

Mr. R. Lewis asked unanimous consent to be excused Friday, April 22, 1977. No objections. So ordered.

Mr. Bereuter asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 290. Considered.

Mr. DeCamp offered the following amendment:
Strike the Labedz amendment.

Mr. DeCamp withdrew his amendment.

MR. MARVEL PRESIDING

The Standing Committee amendment found in the Journal on page 569 for the Twenty-Ninth Day, as amended was renewed.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

Mrs. Marsh moved the Call be raised. The motion lost with 8 ayes, 21 nays, and 20 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

The Standing Committee amendments, as amended were adopted with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to indefinitely postpone.

The motion lost with 14 ayes, 25 nays, 5 present and not voting, and 5 excused and not voting.

Mr. George asked unanimous consent to bracket.

Mrs. Labedz objected.

Advanced to E & R for Review with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 427. Considered.

Mr. Keyes asked unanimous consent to withdraw his pending amendment found in the Journal on page 1506. No objections. So ordered.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 1547.

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

Advanced to E & R for Review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 60.

Introduced by Venditte, 7th District; Lamb, 43rd District; DeCamp, 40th District; Schmit, 23rd District; Burrows, 30th District; Kahle, 37th District.

WHEREAS, solid waste management and disposal is a subject of vital importance to all persons interested in providing an acceptable environment; and

WHEREAS, some current methods of solid waste disposal encourage negative side effects such as the attraction of vermin, rodents and generation of odors and fumes; and

WHEREAS, these undesirable elements could be substantially reduced or eliminated with the development of more effective methods of solid waste disposal.

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

1. That the Legislature's Agriculture and Environment Committee perform an interim study of solid waste management and disposal in Nebraska in an effort to formulate proposals for long-term, economical and acceptable methods of waste disposal and criteria for the selection of solid waste disposal sites.

2. That the committee make a report of its findings together with its recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print Amendments to LB 530

Mr. Koch asked unanimous consent to print the following amendments to LB 530 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 530 (1)

1. On page 18 after line 13 insert a new section 29 as follows:

"Sec. 29. Any money allocated to state agencies governed by this act for personal services shall not be used for any other purpose.".

2. Renumber the original sections 29 and 30 and sections 30 and 31, respectively.

AMENDMENTS TO LB 530 (2)

1. In the committee amendment 4. to LB 530 strike subsection (b) Journal page 1515 and reletter subsections (c) through (e) as subsections (b) through (e) respectively.

UNANIMOUS CONSENT–Print Amendments to LB 531

Mr. Koch asked unanimous consent to print the following amendments to LB 531 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 531 (1)

1. On page 17 after line 8 insert a new section 22 as follows:

"Sec. 22. Any money allocated to state agencies governed by this act for personal services shall not be used for any other purpose.".

2. Renumber the original sections 22 and 23 as sections 23 and 24, respectively.

AMENDMENTS TO LB 531 (2)

1. In the committee amendment 3. to LB 531 Journal page 1518 strike subsection (b) and reletter subsections (c) through (e) as subsections (b) through (d) respectively.

UNANIMOUS CONSENT–Print Amendments to LB 532

Mr. Koch asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 532

1. On page 86 after line 22 insert a new section 57 as follows:

"Sec. 57. Any money allocated to state agencies governed by this act for personal services shall not be used for any other purpose.".

2. Renumber the original sections 57 and 58 as sections 58 and 59, respectively.

UNANIMOUS CONSENT–Print Amendments to LB 533

Mr. Koch asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 533

1. On page 37 after line 5 insert a new section 23 as follows:

"Sec. 23. Any money allocated to state agencies governed by this act for personal services shall not be used for any other purpose.".

2. Renumber the original section 23 as section 24.

GENERAL FILE

LEGISLATIVE BILL 99. Mr. F. Lewis asked unanimous consent to bracket until May 1, 1977. No objections. So ordered.

LEGISLATIVE BILL 192. Title read. Considered.

Mr. Burrows renewed his pending amendment found in the Journal on page 1546.

Mr. F. Lewis asked unanimous consent to bracket LB 192 until January 20, 1978.

Mr. Burrows objected.

Mr. F. Lewis moved to bracket LB 192 until January 20, 1978.

SPEAKER LUEDTKE PRESIDING

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. F. Lewis withdrew his motion to bracket LB 192.

VISITORS

The President introduced Mr. & Mrs. Willard Woodside, Lincoln; 13 juniors and teacher and sponsor from Thedford; 8 teachers from Gunderson High School, San Jose, California; Jim McDonnell, Omaha; 30 fifth and sixth grade students and sponsors from Hemingford; 40 sixth grade students and teacher from Syracuse; former Governor Dwight Burney; Mr. Don Turner, Omaha.

ADJOURNMENT

At 4:37 p.m., on a motion by Mr. F. Lewis, the Legislature adjourned until 9:00 a.m., Friday, April 22, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-EIGHTH DAY—APRIL 22, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 22, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, help us to appreciate all of Your gifts but especially the gift of rain.
>
> We know that vast areas of this world and many thousands of people are suffering from lack of it.
>
> We know that our whole economy, the life style of many of our citizens, and all of our food is dependent upon rain. It turns our land green, it refreshes and renews, rain is like joy.
>
> Let us not take it for granted; let us daily be thankful; and as all things, remember that it comes through Christ, our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Hasebroock and R. Lewis who were excused; Messrs. Koch and Rumery who were excused until they arrive; and Mr. Newell who was absent until 9:25 a.m. and Mr. Fowler who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1558, line 2, insert "Re-" before "Engrossment".
The Journal for the Sixty-Seventh Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Stoney asked unanimous consent to be excused Monday and Tuesday, April 25 and 26, 1977 until he arrives. 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 21, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Hart, Wayne - Lincoln, Lancaster County Board of Commissioners

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 22, 1977, at 9:00 a.m., were the following bills: 201 and 366.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 516. Replaced on Select File as amended.
E & R amendments to LB 516:

1. In committee amendments, page 1, line 26, strike "its" and insert "their".
2. In committee amendments, page 2, line 2, insert "and" after the comma.
3. On page 4, line 17, insert an underscored comma after "material".

LEGISLATIVE BILL 485. Replaced on Select File as amended.
E & R amendment to LB 485:

1. In committee amendments, page 1, line 17, strike the second "engineer,".

LEGISLATIVE BILL 263. Replaced on Select File as amended.
E & R amendments to LB 263:

1. On page 25, line 26, strike "(13)" and insert "(10)".
2. In E & R 3, line 2, strike "16" and insert "26".
3. In E & R 7, line 1, insert "line 22," after the comma.

LEGISLATIVE BILL 530. Placed on Select File as amended.
E & R amendments to LB 530:

1. In the R. Lewis amendment, line 20, strike "(3)" and insert "(2)"; in line 26 strike "and"; and on page 2, line 1, strike the first period and insert "; and".

2. In the Warner amendment 3, line 5, strike "Legislature" and insert "Legislative Council"; strike line 6 and "amended." in line 7 and insert "sections 81-1131 to 81-1138, Revised Statutes Supplement, 1976."; in line 11 strike "bill" and insert "act"; and in line 15 strike "Nebraska".

3. Insert the new section added by the Warner amendment as section 29 and renumber original section 29 as section 30.

4. In new section 29, designate subsections as (1) to (5); in lines 1 and 2, strike "mentioned in this act"; insert a comma at the end of line 4 and after "shall" and "1977" in line 6; in line 9 strike "3%" and insert "three per cent"; in line 10 strike "$20.00" and insert "twenty dollars"; in line 15 strike "d" and insert "(5) of this section"; in line 17 strike "Permanent employees who are" and insert "A permanent employee who, on July 1, 1977 is"; in line 18 strike "on July 1, 1977"; and in lines 19, 25, and 27, strike "c" and insert "(3) of this section".

5. Insert a new section to read:

"Sec. 31. 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.".

6. Renumber original section 30 as section 32.

7. In the title, line 5, insert "to provide severability;" after the semicolon.

Correctly Engrossed

The following bills were correctly engrossed: 7, 328, and 344.

Correctly Enrolled

The following bills were correctly enrolled: 81 and 81A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 81 and 81A.

MOTIONS—Introduce Bills

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 459)

The motion prevailed with 34 ayes, 0 nays, 9 present and not voting, 2 absent and not voting, and 4 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 660)

The motion prevailed with 30 ayes, 1 nay, 13 present and not voting, 2 absent and not voting, and 3 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 864)

The motion prevailed with 31 ayes, 1 nay, 12 present and not voting, 2 absent and not voting, and 3 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 540. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Goodrich, 20th District; Fowler, 27th District; Hasebroock, 18th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to amend sections 79-1247.07, 79-1247.13, and 79-1286, Reissue Revised Statutes of Nebraska, 1943, and section 79-1281, Revised Statutes Supplement, 1976, relating to schools; to increase certificate and permit fees; to revise expenditures from the Teachers' Certification Fund; to establish a Professional Practices Commission Fund; to provide for expenditures from the Professional Practices Commission Fund; to provide that fees shall be nonrefundable; to limit the time that certificates shall be in force; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 541. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Fowler, 27th District; Savage, 10th District.

A BILL FOR AN ACT to amend sections 84-201.01 and 84-721, Revised Statutes Supplement, 1976, relating to constitutional officers; to increase salaries; and to repeal the original sections.

LEGISLATIVE BILL 542. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd Distirct; Goodrich, 20th District; Fowler, 27th District; Hasebroock, 18th District; Savage, 10th District; Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, Eighty-fifth Legislature, First Session, 1977.

MOTION–Rule Change

Mr. Merz offered the following rule change:

Amend Rule 2, Section 7 to limit each senator to 25 speeches in floor debate in the last 25 days of the session, exclusive of introducers of bills.

Referred to the Rules Committee.

UNANIMOUS CONSENT–Members Excused

Messrs. Dworak and Mills asked unanimous consent to be excused at 10:45 a.m. until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

The Burrows amendment found in the Journal on page 1537 is pending.

Mr. F. Lewis offered the following amendment:

AMENDMENT TO LB 518

1. On page 4, line 27 strike "amount received by the county in".

2. On page 5 strike lines 1 and 2 and insert "population of each county is to the total population of all counties in the state. The Tax Commissioner shall use the most recent federal decennial census in making computations pursuant to this section.".

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 22 nays, and 19 not voting.

Mr. Hefner moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 11 nays, and 17 not voting.

The F. Lewis amendment is pending.

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. Keyes asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AMENDMENT TO LB 518

Add a new section as follows:

In distributing the funds appropriated to the Personal Property Tax Relief Fund the amount of tax revenue lost to Local Subdivisions of Government because of the exemptions allowed for business inventories under Sections 77-1226.01 shall be given the same consideration as the lost revenue because of the exemptions provided for in this act.

Mr. Newell asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AMENDMENT TO LB 518

1. On page 4 line 26 after shall be insert distributed 2/3 of the fund and retain the present language.
2. On page 5 line 2 insert after 1977 "1/3 of the fund shall be returned to the counties on a population of all counties in the state. The Tax Commissioner shall use the most recent federal decennial census in making computations pursuant to this section."

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in Room 2102 at 4:00 p.m. today.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 538 Friday, April 29, 1977 12:15 p.m.

(Signed) Jerome Warner, Chairman

GENERAL FILE

LEGISLATIVE BILL 531. Title read. Considered.

Mr. Warner renewed the Appropriations Committee amendments found in the Journal on page 1517 and 1518.

Amendment (1) was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Amendment (2) was adopted with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Amendment (3) was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Mr. Warner renewed the Appropriations Committee amendment found in the Journal on page 1471.

The amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. DeCamp offered the following amendment:
On page 3, line 8 and line 9, strike "3,713,540" and insert "3,746,540".

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 14 nays, and 23 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 14 ayes, 11 nays, and 24 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Boughn	Brennan	Carsten	Cullan
DeCamp	Fitzgerald	Goodrich	Hefner	Kelly
Keyes	Koch	Kremer	Labedz	F. Lewis
Luedtke	Merz	Moylan	Newell	Nichol
Schmit	Simon	Venditte		

Voting in the negative, 18:

Bereuter	Burrows	Cope	Duis	Fowler
George	Lamb	Maresh	Marsh	Marvel
Maxey	Murphy	Rasmussen	Rumery	Savage
Stoney	Swigart	Warner		

Present and not voting, 3:

Chamber	Clark	Kahle

Excused and not voting, 5:

Dworak	Hasebroock	R. Lewis	Mills	Reutzel

The DeCamp amendment lost with 23 ayes, 18 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Koch renewed his pending amendment (2) found in the Journal on page 1571.

Mr. Koch moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Boughn	Brennan	Burrows	Duis
Fitzgerald	George	Goodrich	Hefner	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Maxey	Merz	Moylan
Murphy	Newell	Simon		

Voting in the negative, 19:

Bereuter	Carsten	Clark	Cope	Cullan
Fowler	Kahle	Kelly	Marsh	Marvel
Nichol	Rasmussen	Rumery	Savage	Schmit
Stoney	Swigart	Venditte	Warner	

Present and not voting, 2:

Chambers	DeCamp

Excused and not voting, 5:

Dworak	Hasebroock	R. Lewis	Mills	Reutzel

The Koch amendment (2) lost with 23 ayes, 19 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 18 ayes, 2 nays, and 29 not voting.

Mr. Kelly moved to reconsider action on the Koch amendment (2) found in the Journal on page 1571.

The motion to reconsider prevailed with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

Mr. Koch asked unanimous consent to withdraw his amendments (1) and (2) found in the Journal on page 1571. No objections. So ordered.

Mrs. Maxey and Mr. Kremer asked unanimous consent to be excused for the remainder of the morning. No objections. So ordered.

Mr. Kelly asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Burrows asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 532

Purpose: To appropriate General Funds to the Department of Public Institutions - Central Office and reduce the General Fund appropriation for State Aid to Community Mental Retardation accordingly. The General Funds will be used solely for distribution to Community Mental Retardation Regions to facilitate the movement of residents from the Beatrice State Developmental Center to community-based programs. This amendment provides for the Mental Retardation Region budgets as recommended by the Governor in LB 490, 1977.

On page 15, on line 8 strike "1,814,279" and insert "2,564,279"; on line 10 strike "2,204,670" and insert "2,954,670".

On page 15 after line 13 insert:

"There is included in the amount shown $750,000 General Funds to be used solely for distribution to Community Mental Retardation Regions to facilitate the movement of residents from the Beatrice State Developmental Center to community-based programs. The unexpended General Fund balance existing on June 30, 1977, is hereby reappropriated in an amount not to exceed $500,000."

On page 18, on lines 5 and 6 strike "6,630,416" and insert "5,655,972".

On page 18, strike lines 7 through 12 and lines 18 through 25.

On page 19, strike lines 6 through 27, on page 20 strike lines 1 through 13, and insert the following:

Mental Retardation Region I	
GENERAL FUND	329,492
LOCAL CASH FUND est.	224,584
FEDERAL FUND est.	375,000
TOTAL	929,076
Mental Retardation Region II	
GENERAL FUND	422,086
LOCAL CASH FUND est.	437,267
FEDERAL FUND est.	515,000
TOTAL	1,374,353
Mental Retardation Region III	
GENERAL FUND	673,154
LOCAL CASH FUND est.	539,174
FEDERAL FUND est.	950,000
TOTAL	2,162,328

Mental Retardation Region IV	
GENERAL FUND	637,138
LOCAL CASH FUND est.	797,020
FEDERAL FUND est.	650,000
TOTAL	2,084,158
Mental Retardation Region V	
GENERAL FUND	1,141,196
LOCAL CASH FUND est.	1,086,988
FEDERAL FUND est.	1,175,000
TOTAL	3,403,184
Mental Retardation Region VI	
GENERAL FUND	2,412,906
LOCAL CASH FUND est.	1,179,663
FEDERAL FUND est.	2,260,000
TOTAL	5,852,569
Mental Retardation Regions Total	
GENERAL FUND	5,615,972
LOCAL CASH FUND est.	4,264,696
FEDERAL FUND est.	5,925,000
TOTAL	15,805,668

On page 20, on line 23 strike "31,653,080" and insert "31,428,636"; on line 26 strike "51,140,644" and insert "50,916,200".

UNANIMOUS CONSENT – Print Amendments to LB 533

Mr. Kremer asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To add $598,209 in improvements to the Institute of Agriculture and Natural Resources.

(1) On page 24, line 6, strike "16,075,567" and insert "16,673,776"; and on line 10, strike "24,452,831" and insert "25,051,040".

(2) On page 24, line 11, strike "249,500" and insert "847,709".

(3) On page 24, after line 17, insert:

"(c) Improvement

(i) Animal Physiologist–Veterinary Science	62,095
(ii) District Specialist--Crop Production--Southeast Station	46,580
(iii) Animal Pathologist--Veterinary Science	59,462
(iv) Urban Horticulturalist	48,180
(v) Agronomists--Soil Management and Water Movement	45,120
(vi) County Extension Agents	78,462

(vii) Agricultural Engineer-Atmospheric Drouth Research	44,270
(viii) District Specialist--Farm Management--Northeast Station	44,753
(ix) Entomologist--Livestock Insects	45,149
(x) Food Science Technologist--Cereal and Oil Seed Products	48,000
(xi) Plant Biochemist--Pesticide Biochemistry	45,408
(xii) Food & Nutrition--Nutrition Rehabilitation	30,730

The Legislature authorizes the Institute of Agriculture and Natural Resources to exceed the personal service limitations as shown for Program 715 to the extent those expenditures identified under the above specified improvement classification, shown as subsection (c), are expended for personal services.".

(4) On page 26, line 14, strike "46,169,226" and insert "46,767,435"; and on line 18, strike "72,041,923" and insert "72,640,132".

UNANIMOUS CONSENT — Member Excused

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 531. Considered.

Mr. Koch offered the following amendment:

1. On page 17 after line 8 insert a new section as follows:

"Sec. 22. In addition to the amounts provided in this act for salaries and pursuant to section 21 of this act, there is hereby appropriated an amount equal to one half of one per cent of salaries to be utilized by each agency administrator for merit increases to employees of such agency at the discretion of such administrator.".

2. Renumber original sections 22 and 23 as sections 23 and 24 respectively.

Mr. Newell offered the following amendment to the Koch amendment:

Amend the Koch amend to mandate that no agency head can grant more than a $100.00 cash award to any individual employee.

The Newell amendment lost with 11 ayes, 11 nays, 19 present and not voting, and 8 excused and not voting.

Koch amendment pending.

UNANIMOUS CONSENT – Members Excused

Messrs. Duis, Clark and Barnett asked unanimous consent to be excused this afternoon. No objections. So ordered.

Messrs. Marvel, Stoney and Rasmussen asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

REFERENCE COMMITTEE REPORT

LB	Committee
536	Gov. Mil. & Vets Afrs

(Signed) Marvel, Chairman; Nichol; Savage; Luedtke; Bereuter; Stoney

LB	Committee
540	Education
541	Gov. Mil. & Vets Afrs
542	General File

(Signed) Marvel, Chairman; Nichol; Savage; Luedtke; Bereuter; Stoney; Fowler

VISITORS

The President introduced 25 fifth and sixth grade students, teachers, and sponsors from Eddyville Public School, Eddyville, Nebraska; 20 Wives of National Council of Engineering Examiners and Central Zone; 28 fourth grade students, teacher, and sponsors from Willard School, York, Nebraska; 30 fourth grade students, teacher, and sponsors from Norris Elementary, Millard, Nebraska; 9 fourth to eighth grade students, teachers, and sponsors from Valley Side District 10, Ord, Nebraska; Mr. Theo Shandu of South Africa and William Foger of Lincoln; and 30 eighth grade students, teacher, and sponsors from St. Michael, So. Sioux City, Nebraska.

RECESS

At 12:00 noon, on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:42 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Barnett, Clark, Duis, Hasebroock, and R. Lewis who were excused; Messrs. Carsten, F. Lewis, Marvel, Rasmussen, and Stoney who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 344A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Standing Committee amendments found in the Journal on page 1115 for the Fifty-Second Day were considered.

Mr. Keyes offered the following amendment to the Standing Committee amendments:

1. Strike committee amendments 2, 3, and 4.
2. On page 4, line 7 reinstate the stricken matter.
3. Insert a new section to read:

"Sec. 5. Notwithstanding any of the other provisions of Chapter 21, article 17, or any other Nebraska Statute, any credit union incorporated under the laws of the State of Nebraska and organized under the provisions of such article shall have all the rights, powers, privileges, benefits, and immunities which may be exercised as of the effective date of this act by a federal credit union doing business in Nebraska; Provided, that such rights, powers, privileges, benefits and immunities shall not relieve such credit union from payment of state taxes assessed under any applicable laws of this state.".

The Keyes amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Standing Committee amendments, as amended, were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 2 nays, 13 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 298. Title read. Considered.

Standing Committee amendments found in the Journal on page 1189 for the Fifty-Fifth Day were considered.

Laid over.

UNANIMOUS CONSENT—Print Amendment to LB 516

Mrs. Marsh asked unanimous consent to print the following amendment to LB 516 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 516

1. On page 10, line 23 after "chlordiazepoxide" insert ", but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens)".

GENERAL FILE

LEGISLATIVE BILL 209. Title read. Considered.

Corrected Standing Committee amendments found in the Journal on page 1368 for the Sixtieth Day were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 338. Title read. Considered.

Mr. DeCamp moved the adoption of the Duis amendments found in the Journal on page 1453 to the Standing Committee amendments found in the Journal on page 1279 for the Fifty-Eighth Day.

The Duis amendments were adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Standing Committee amendments were adopted, as amended, with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for Review with 27 ayes, 2 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 384. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 13 present and not voting, and 5 excused and not voting.

NOTICE OF COMMITTEE HEARING
Government, Military and Veterans Affairs

LB 536	Friday, April 29, 1977	8:00 a.m.
LB 541	Friday, April 29, 1977	8:30 a.m.

(Signed) Dennis Rasmussen, Chairman

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 519. Placed on General File as amended.
Standing Committee amendments to LB 519:

1. Strike lines 10 through 13 and show as stricken and insert "act thereto. Such local government may use local assistance and other available resources for any purpose for which other revenue may be lawfully expended including the following:"; reinstate the stricken matter in lines 14 through 24; in line 21 strike "for the poor or aged" and show as stricken and insert "as defined in section 68-1202".

2. Insert a new section to read:

"Sec. 2. That section 18-1735, Revised Statutes Supplement, 1976, be amended to read as follows:

18-1735. It shall be lawful for any municipality and for any county to spend its own revenue and other available resources~~, for the following priority expenditures as listed in~~ including funds received under Title I of the federal State and Local Fiscal Assistance Act of 1972 (Public Law 92-512, 23 U.S.C. Chapter 24), or any successor act thereto, for any purpose for which other revenue may be lawfully expended including the following:

(1) Ordinary and necessary maintenance and operating expenses for (a) public safety, including law enforcement, fire protection, and building code enforcement; (b) environmental protection, including sewage disposal, sanitation and pollution abatement; (c) public transportation, including transit systems for streets and roads; (d) health; (e) recreation; (f) libraries; (g) social services ~~for the poor or aged~~ as

defined in section 68-1202; and, (h) financial administration; and

(2) Ordinary and necessary capital expenditures authorized by law.".

3. On page 2, line 26, strike "is" and insert "and section 18-1735, Revised Statutes Supplement, 1976, are".

4. Renumber original section 2 as section 3.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 533

Mrs. Maxey asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To provide the clinical experience for the training of dental students in the care of handicapped persons in the immediate vicinity of the University of Nebraska College of Dentistry.

(1) On page 18, after line 27, insert:

"(ix) Training of Dental Personnel 11,000

It is the intent of the Legislature that the University of Nebraska College of Dentistry make the appropriate arrangements to provide clinical experiences for the training of dental personnel in the care of handicapped persons at the Lincoln Regional Center and the Nebraska State Penal Complex."

(2) On page 19, strike line 22; on line 23, strike "(iii)" and insert "(ii)"; on line 24, strike "(iv)" and insert "(iii)"; and on line 26, strike "(v)" and insert "(iv)".

GENERAL FILE

LEGISLATIVE BILL 517. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 517A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 17 present and not voting, and 5 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 524. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. Carsten announced a two-day celebration by Nebraska City and the Arbor Day Foundation this weekend and invited the members to attend.

GENERAL FILE

LEGISLATIVE BILL 450. Title read. Considered.

Standing Committee amendments found in the Journal on page 1314 for the Fifty-ninth Day were adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT–Print Amendments to LB 142

Mr. Bereuter asked unanimous consent to print the following amendments to LB 142 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 142

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

"Section 1. No action against a seller of a product which is based upon the theory of strict liability in tort may be commenced more than eight years after the product was first sold to any person not engaged in the business of selling the product. Nothing contained in this section shall bar an action against a product seller brought on a theory of negligence if such action is timely commenced within the limitation prescribed by section 25-207. Nothing contained in this section shall affect the right of any person found liable to seek and obtain indemnity or contribution from any other person whose actual fault caused a product to be defective or contributed to a product being defective.

Sec. 2. No manufacturer or seller of a product shall be liable upon the theory of strict liability in

tort for personal injury, death, or property damage sustained by reason of an alleged defect in such product when the proximate cause of the injury, death, or property damage was an alteration or modification of such product, which alteration or modification was made by other than a manufacturer or seller subsequent to the manufacture or sale by the manufacturer or seller against whom claim is made or suit is brought.

Sec. 3. That section 27-407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

27-407. When, after an event, measures are taken which, if taken previously, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with the event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment. Culpable conduct as used in this rule shall include, but not be limited to, the manufacture or sale of a defective product.

Sec. 4. In any action for damages for personal injury, death, or property damage based upon the theory of strict liability in tort and allegedly caused by a defect in a product:

(1) A product shall be considered to have a defect or be in a defective condition only if, at the time the product was sold by the manufacturer or other seller, there was a defect or defective condition in the product which made the product unreasonable dangerous to the user or consumer. The test for whether any defect or defective condition was unreasonably dangerous shall be whether or not the product, as sold, was dangerous to an extent beyond that which would be contemplated by the ordinary and reasonable buyer, consumer, or user who purchases such a product, assuming the ordinary knowledge of the community, or of similar buyers, users, or consumers, as to its characteristics, propensities, risks, dangers, and proper and improper use, as well as any special knowledge, training, or experience possessed by the particular buyer, user, or consumer or which he or she was required to possess; and

(2) It shall be rebuttably presumed that such product was free from any alleged defect if the allegedly

defective plan or design, or methods, standards, and techniques of manufacturing, inspecting, and testing were in conformity with the generally recognized and prevailing state of the art in existence in the industry at the time the product was first sold to any person not engaged in the business of selling such product. State of the art as used herein shall be defined as the best technology reasonably available at the time.

Sec. 5. This act shall be known and may be cited as the Nebraska Product-Liability Act.

Sec. 6. 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. 7. That original section 27-407, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

UNANIMOUS CONSENT—Print Amendment to LB 361

Mrs. Maxey asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

LB 361
To restate the stricken matter on page 8, line 4—9 and line 23—27

GENERAL FILE

LEGISLATIVE BILL 450A. Title read. Considered.

Mr. Bereuter renewed his pending amendment found in the Journal on page 1470.

The amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Reveiw with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 182. Title read. Considered.

Standing Committee amendments found in the Journal on page 1360 for the Sixtieth Day were considered.

Mr. DeCamp offered the following amendment to the Standing Committee amendments:

Page 7 Section 20 line 21 strike the period and insert "violating any provisions of this act."

The amendment was adopted with 21 ayes, 0 nays, 21 present and not voting, and 7 excused and not voting.

Mr. Simon offered the following amendment to the Standing Committee amendments:

Amend the Committee Amends, in Sec. 4 Strike the word "and" before the word first class, insert a comma and add the words "second class or village". In Sec. 5 add the words "or village" after the word city.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion lost with 3 ayes, 13 nays, and 33 not voting.

The Simon amendment to the Standing Committee amendments is pending. Laid over.

LEGISLATIVE BILL 159. Mr. Goodrich asked unanimous consent to bracket until January 11, 1978. No objections. So ordered.

SPEAKER LUEDTKE PRESIDING

LEGISLATIVE BILL 349. Title read. Considered.

Standing Committee amendments found in the Journal on page 1466 for the Sixty-Fourth Day were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Murphy asked unanimous consent to be excused. No objections. So ordered.

Mr. Goodrich moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 21 not voting.

Advanced to E & R for Review with 26 ayes, 5 nays, 10 present and not voting, and 8 excused and not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

LEGISLATIVE BILL 182. Considered.

Mr. Simon asked unanimous consent to withdraw his pending amendment found in this day's Journal. No objections. So ordered.

Standing Committee amendments, as amended, found in the Journal on page 1360 were adopted with 25 ayes, 1 nay, 15 present and not voting, and 8 excused and not voting.

Mr. Goodrich asked unanimous consent to withdraw his pending amendments found in the Journal on page 1070. No objections. So ordered.

Messrs. DeCamp and Simon asked unanimous consent to withdraw their pending amendments found in the Journal on page 1066. No objections. So ordered.

Advanced to E & R for Review with 25 ayes, 3 nays, 13 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 61.

Introduced by Rumery, 42nd District; Kremer, 34th District; Schmit, 23rd District; Carsten, 2nd District; Lamb, 43rd District; Warner, 25th District.

WHEREAS, Dr. Marvel L. Baker was a thirty-nine year veteran University of Nebraska Agriculture professor; and

WHEREAS, his many contributions to Nebraska agriculture and the University were recognized in 1963 when he was awarded the title of professor emeritus of animal science and in 1969 when the NU animal science building was named after Dr. Baker; and

WHEREAS, Dr. Baker was a prolific writer of scholarly works as well as articles for popular publications which have been of great benefit to Nebraska agriculture; and

WHEREAS, his education-agriculture expertise carried him to many positions in the University system and to the borders of Turkey as dean of a Nebraska agriculture delegation in 1960; and

WHEREAS, his leadership still exists through his former students, colleagues, businessmen, professionals, and many other individuals.

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

1. That the members of the Legislature wish to express their regret for the passing of Dr. Marvel L. Baker and express best wishes to his family.

2. That a copy of this resolution be presented to the family of Dr. Baker in memory of his contribution to Nebraska agriculture.

Mr. Rumery moved to suspend the rules, Rule 4, Sec. 6 to consider LR 61 today. The motion prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LR 61 was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 520. Title read. Considered.

Standing Committee amendments found in the Journal on page 1468 for the Sixty-Fourth Day were considered.

Mr. George offered the following amendment to the Standing Committee amendment:

At the end of line 3 add:

except the University of Nebraska, ~~or~~ the state colleges and the State Historical Society, shall

Mr. George moved for a Call of the House. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Mr. George moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The George amendment lost with 14 ayes, 16 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Goodrich offered the following amendment to the Standing Committee amendment:

Sect 3 Line 3 after Colleges insert "Public Employee Retirement Board"

The amendment was adopted with 16 ayes, 1 nay, 23 present and not voting, and 9 excused and not voting.

Standing Committee amendments were adopted, as amended, with 26 ayes, 2 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

VISITORS

The President introduced 105 8th grade students and teachers from C. L. Jones School, Minden;35 7th grade students, teacher and sponsors from Sandy Creek School, Fairfield; 10 8th grade students, teacher and parents from Zion Lutheran School, Hastings; John Branch and Betty Cone from Ogallala; 27 4th grade students, teacher and sponsors from Willard Elementary School, York.

ADJOURNMENT

At 4:29 p.m., on a motion by Mr. Venditte, the Legislature adjourned until 10:00 a.m., Monday, April 25, 1977.

Vincent D. Brown
Clerk of the Legislature

SIXTY-NINTH DAY–APRIL 25, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 25, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> The most consoling assurance that any of us could possibly have, Lord, is Your promise that we can come to You any hour of the day or night with any kind of problem at all, and know that You are willing, even anxious to help us. What a shame it is, then, that often we give You really serious thought only when we are in some kind of desperate scrape. Actually, there isn't a moment in our lives when we don't need You. It's like our need for food. . . .we don't usually think much about it until we're really hungry. In view of how much we depend on You, and how very much You have so willingly done for us all our lives, Lord, please give us the wisdom and determination to raise our minds and hearts to You daily. Continue to guide our actions always, so that everything we do may give You glory and bring us eternal salvation. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Merz, Mills, Schmit, F. Lewis, Stoney, Reutzel, and Rumery who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1586, line 31, strike "16" and insert "15".
The Journal for the Sixth-Eighth Day was approved as corrected.

UNANIMOUS CONSENT–Members Excused

Mr. Rasmussen asked unanimous consent to be excused this afternoon until he returns. No objections. So ordered.

Mr. Swigart asked unanimous consent to be excused from 11:00 a.m. until he returns. No objections. So ordered.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 75
April 21, 1977

Dear Senator Duis:

You have asked us to review portions of LB 532. You cite page 69, line 19, through page 70, line 8. LB 532 is an appropriations bill. The purpose of the act is stated as an act to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

Section 45, subsection (4) in part provides:

> "The State Department of Education shall establish rates for school districts contracting with the Diagnostic Resource Center in Cozad based upon an estimate of the actual cost of providing special education services computed pursuant to Chapter 43, article 6, Reissue Revised Statutes of Nebraska, 1943, and Rule 51, State Department of Education.
>
> "The purposes of the Diagnostic Resource Center shall include (a) diagnosis of educational handicapping conditions of children up to twenty-one years of age, (b) training services for special education teachers and others, (c) research into the improvement of educational services for handicapped children, and (d) such other related activities as may be determined by the State Board of Education. No child shall remain in the residential program of the Diagnostic Resource Center for more than ninety days during any school year."

You ask whether or not this language is constitutional since it extends beyond the fiscal year involved in the appropriations bill. You also ask whether administrative language of this type may be placed in appropriations bills.

We have substantially answered both of these questions in prior opinions to the Legislature. See, Opinion of the Attorney General, March 25, 1974, to Governor Exon, printed on page 1313 of the Session Laws,

1974; and Opinion of the Attorney General, March 16, 1976, to Senator George Syas. In both of these opinions we have substantially stated that Article III, section 14 of the Constituion (sic) and Article III, section 22 of the Constitution prohibit the inclusion in appropriations bills of language which is intended to direct or control administrative decisions. It is apparent to us that the language you refer to in LB 532 is not appropriate for an appropriations bill. Such substantive language should be enacted in the regular course as a separate bill. Such language upon being placed in an appropriations bill has no legal or binding effect and may be ignored by the persons charged with the administration of the executive units of government to which the language refers.

We therefore reiterate those comments previously made in the opinions heretofore cited in this letter. Thus we conclude that the language appearing in LB 532, page 69, line 19 through and including page 70, line 8, would be ineffective if enacted in the present form and in violation of Article III, section 14 and Article III, section 22 of the Constitution.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 76
April 21, 1977

Dear Senator Cullan:

This is in reply to your letter of 18 April 1977. In that letter you ask if an educational service unit, pursuant to LB 445, Eighty-fifth Legislature, First Session, may act as a purchasing agent for school districts which are located outside of its territorial boundaries? The same is hereinafter discussed.

As amended by the Standing Committee, section 1 of LB 445, supra, states in part as follows:

> "In order to carry out the purposes provided in section 79-2201, educational service units may purchase or lease or lease-purchase real estate and equipment, supplies, and personal property for their own use. Educational service units may purchase, lease, lease-purchase, or act as purchase agents for

equipment, supplies, and personal property for resale only to school districts within their territorial boundaries or to other educational service units."

It therefore appears to us that if the above quoted amendment to this legislative bill were to become operative law, educational service units could act as a purchasing agent for only those school districts within their territorial boundaries. See, section 1 of LB 445, supra, as amended. Conversely, an educational service unit could not, under the legislation cited, act as a purchasing agent for school districts which are located outside of its territorial boundaries.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:smb
cc: Mr. Vincent Brown
Clerk of the Legislature
State Capitol
Lincoln, NE 68508

Opinion No. 77
April 21, 1977

Dear Senator DeCamp:

You have requested our opinion on proposed amendments to L.B. 518, printed in the Legislative Journal on page 498 and 499. You proposed to strike the original section 8 of 518 and insert two sections, section 8 and section 9. In the proposed amendment section 8 provides for a method of distributing money to counties from the personal property tax relief fund. The personal property tax relief fund is established by section 1 of L.B. 518 and provides that it shall be funded by the Legislature from funds collected through the general sales and income tax. The purpose of this fund it (sic) to replace some of the revenue lost because of a personal property tax exemption authorized by sections 77-202.25 through .29 and sections 1, 3, and 5 of L.B. 519. Section 8 in the proposed amendment would now add lands ceded to the federal government under the Laws of 1883, Chapter 90 as a factor to be used in determining the proration of the funds in the Property Tax Relief Fund to the counties. We find no constitutional difficulty with section 8 of the proposed amendment. We would point out however that in the original bill, a specific year is used as a reference point in arriving at the proportionate distribution in the

counties in the proposed amendment no year of reference is used. This may pose some difficulty in determining the correct apportionment of the funds in any one year for lack of a standard against which to make such a determination. We would suggest that this matter should be cleared up by using a reference standard for making the determination.

L.B. 518 is a general act to reduce personal property taxation in the counties. It has a further purpose of reimbursing the counties for lost revenues as the result of this action. Section 9 of the proposed amendment provides that:

> "Sec. 9. No person shall avoid payment of personal property taxes because personal property of such person is located within lands ceded to the United States under Laws 1883, c. 90. Such taxes shall be paid by the person in the same manner as if such personal property were not located within such lands. Any personal property of a person which, for any reason, has not been assessed or has escaped taxation for any former year or years when such property was liable to taxation, shall be assessed at the same rate as imposed upon the property in the governmental subdivision of the state in which the property should have been returned for taxation. Such tax shall be assessed for each year the tax should have been listed and shall be assessed equal to the assessment that would have been charged against such property had it been properly listed and assessed. In addition to such tax, there shall be added a penalty of fifteen per cent of the amount of the tax due."

We have been informed that you intend to strike the last sentence of the proposed amendment and therefore this opinion will not discuss any issues raised by that sentence. The effect of this amendment is that persons having personal property located on lands under the jurisdiction of the United States shall be subject to personal property tax to the same extent as if the property were not located upon federal land. It is our opinion that this section is simply declaratory of existing state law. This same issue went to the Supreme Court of the United States in Offutt Housing Company v. County of Sarpy, 351 U.S. 253, 100 L.Ed. 1151, 76 S.Ct. 814 (1955), in that case land owned by the United States Government had been leased to a private corporation which in turn constructed houses upon the land. Sarpy County assessed a tax against the value of the improvements on the land as a personal property tax. The United States Supreme Court held that such taxation was proper under acts of Congress authorizing such state taxation of privately held property upon lands the title to which was held by the federal government. We believe that the same rationale is still applicable and pertinent to personal property located on government lands that is not the property of

governmental subdivision or otherwise exempt from taxation. While a specific factual context would be necessary in order to determine whether particular property may be taxable or nontaxable, we believe that in general it is correct to state that private personal property although located upon publicly held lands is still subject to taxation. Since we believe that this is the case in the State of Nebraska under Chapter 77, Article 12, we feel that it would be inappropriate to express an opinion on the constitutionality of proposed amendment 9 on this basis.

We would caution, however, that section 9 does appear to have a slightly different subject matter than that contained in L.B. 518. 518 is a bill relating to property tax exemptions whereas section 9 of the proposed amendment relates to the taxation of personal property located upon land held by the federal government. This of course may be in conflict with the constitutional provision, Article III, Section 14, which prohibits the enactment of bills containing more than one subject. While this bill is not clearly violative of this section it does appear to be a borderline case and it might be more prudent if this section declaratory of existing law were separately enacted.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs
cc: Mr. Vincent D. Brown
Clerk of the Legislature
Nebraska State Legislature

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 232. Replaced on Select File as amended.
E & R amendments to LB 232:

1. In the Duis amendments, line 6, strike "the State Energy Office" and insert "it"; and strike beginning with "in" in line 6 through " 'and' " in line 7.

2. Amend the Venditte amendment to read:

"On page 4, strike lines 12 and 13 and insert:

'(5) To carry out the duties and responsibilities relating to'.".

LEGISLATIVE BILL 486. Replaced on Select File as amended.
E & R amendments to LB 486:

1. In line 6 of the Koch amendment to page 5, strike "employs" and insert "employ".

2. On page 14, line 27, strike the comma.

LEGISLATIVE BILL 161. Replaced on Select File as amended.
E & R amendment to LB 161:

1. In lieu of the Marsh amendment, in the Murphy amendment, line 4, insert "if such policy is equally applied to both sexes" after "wife".

LEGISLATIVE BILL 33. Replaced on Select File as amended.
E & R amendments to LB 33:

1. On page 8, insert the second new subsection (3) added by the Koch amendments as subsection (4) and renumber original subsection (3) as subsection (5).

2. In the Cullan amendment, strike "state aid. fund" and insert "School Foundation and Equalization Fund".

3. In lieu of the Murphy amendment, on page 14, line 2, strike "section" and insert "sections 79-4,160 and".

4. In lieu of the F. Lewis amendment, in the Koch amendments adopted 4/5, page 2, line 16 insert ", 79-1340," after "79-1335".

5. Insert ", 79-1340," at the end of line 2 of E & R 7 adopted 4/21.

6. In the title, line 14, strike "section" and insert "sections 79-4,160 and".

LEGISLATIVE BILL 290. Placed on Select File as amended.
E & R amendments to LB 290:

1. On page 2 of the Labedz amendments, before line 1 insert "4. Amend section 1 of the committee amendments to read as follows:".

2. In the Labedz amendments, page 2, line 12, insert a comma after "accountant"; in line 15 strike ", provided," and insert "; Provided,"; in line 20 strike "a" and insert "the"; and in line 23 strike "recongnized" and insert "recognized" all as in the statutes; and on page 3 strike sections 2 and 3.

3. Because of the Labedz amendment to section 1, in committee amendments strike sections 2, 4, 5, and 6.

4. Renumber original section 3 as section 2, original sections 7 to 9 as sections 3 to 5, section 10 added by the Labedz amendment as section 6, and original section 10 as section 7.

5. In committee amendments, page 2, line 27, strike the new and reinstate the stricken matter.

6. In Committee amendments, page 3, line 6, strike "section 8" and insert "section 4".

7. In committee amendments, page 4, lines 11 and 12, strike the new and reinstate the stricken matter; and in line 18 strike the new and reinstate the stricken matter.

8. Because of the Labedz amendment to section 1, in committee amendments, page 5, strike lines 6 to 22 and the Labedz amendment thereto and insert "the experience required by section 1-114.".

9. In committee amendments, page 6, line 3, strike "section 8 of this act" and insert "section 1-114".

10. In new section 6, line 1, strike "Section 7" and insert "section 1-124".

11. In committee amendments, page 8, line 14, strike "1-115,"; and in line 15 strike "1-118, 1-119, 1-120.".

12. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT to amend section 1-114, Reissue Revised Statutes of Nebraska, 1943, and sections 1-117, 1-124, and 1-136, Revised Statutes Supplement, 1976, relating to certified public accountants; to change the experience requirement; to provide for the issuance of a certificate before satisfying the experience requirement; to require experience before issuance of a permit; and to repeal the original sections.".

LEGISLATIVE BILL 427. Placed on Select File as amended.
E & R amendment to LB 427:

1. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT to amend section 39-6,150, Revised Statutes Supplement, 1976, relating to rules of the road; to provide additional vehicles that may display flashing or rotating amber lights; and to".

(Signed) Samuel K. Cullan, Chairman

STANDING COMMITTEE REPORT
Public Works

LEGISLATIVE BILL 534. Placed on General File as amended.
Standing Committee amendments to LB 534:

1. On page 3, line 13, after the period, insert a new sentence as follows: "The petitioning agency shall supply such

documents as are supportive of its petition for exemption."; in line 20 after "request" insert "and supporting documents"; and in line 21 strike "the following:", and insert: "and be deemed sufficient and in lieu of any other requirement:"

2. On page 4, line 5 strike "shall" and insert "may"; and in line 24 after "act" insert ", as approved by the United States Department of Transportation.".

(Signed) Maurice Kremer, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 45. Mr. DeCamp moved to return LB 45 to Select File for the specific amendment found in the Journal on page 880.

Mr. Barnett 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 DeCamp motion lost with 20 ayes, 22 nays, 5 present and not voting, and 2 excused and not voting.

With Emergency.

A BILL FOR AN ACT to amend section 84-205, Revised Statutes Supplement, 1976, relating to the Attorney General; to provide for the implementation of acts of the Legislature held unconstitutional by the Attorney General; to provide an exception; to provide for jurisdiction; 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, 25:

Bereuter	Boughn	Burrows	Carsten	Clark
Cope	Dworak	George	Hasebroock	Hefner
Kelly	Labedz	Lamb	R. Lewis	Marvel
Maxey	Moylan	Murphy	Nichol	Rasmussen
Reutzel	Savage	Stoney	Swigart	Warner

Voting in the negative, 19:

Barnett	Brennan	Chambers	Cullan	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Keyes
Koch	Kremer	F. Lewis	Luedtke	Maresh
Marsh	Rumery	Schmit	Simon	

Present and not voting, 3:

Kahle	Newell	Venditte

Excused and not voting, 2:

Merz	Mills

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:

Bereuter	Boughn	Burrows	Carsten	Clark
Cope	Dworak	George	Hasebroock	Hefner
Kahle	Kelly	Labedz	Lamb	R. Lewis
Marvel	Maxey	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Savage	Stoney	Swigart
Warner				

Voting in the negative, 19:

Barnett	Brennan	Chambers	Cullan	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Keyes
Koch	Kremer	Luedtke	Maresh	Marsh
Newell	Rumery	Schmit	Simon	

Present and not voting, 2:

F. Lewis	Venditte

Excused and not voting, 2:

Merz	Mills

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 93.

A BILL FOR AN ACT to repeal section 53-182, Reissue Revised Statutes of Nebraska, 1943, relating to liquors.

Whereupon the 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:

Barnett	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Labedz	F. Lewis	R. Lewis
Luedtke	Moylan	Newell	Nichol	Rasmussen
Reutzel	Savage	Schmit	Simon	Swigart
Warner				

Voting in the negative, 15:

Bereuter	Chambers	Dworak	George	Kelly
Koch	Kremer	Lamb	Maresh	Marsh
Marvel	Maxey	Murphy	Rumery	Stoney

Present and not voting, 1:

Venditte

Excused and not voting, 2:

Merz Mills

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

LEGISLATIVE BILL 196.

A BILL FOR AN ACT to amend section 60-430.07, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicles; to clarify provisions relating to the operation of a motor vehicle to avoid arrest; to change a penalty provision; and to repeal the original section.

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

Voting in the affirmative, 37:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marvel	Maxey	Moylan
Murphy	Newell	Nichol	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 9:

Chambers	Cullan	Duis	Dworak	Fowler
Kelly	R. Lewis	Marsh	Rasmussen	

Present and not voting, 1:

DeCamp

Excused and not voting, 2:

Merz Mills

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

LEGISLATIVE BILL 228.

A BILL FOR AN ACT to amend sections 31-727, 31-735, and 31-735.02, Revised statutes Supplement, 1976, relating to sanitary and improvement districts; to provide additional purposes; to change the manner in which the board of trustees is elected; to provide for notices; to provide for compensation; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz

Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 0.

Excused and not voting, 2:

Merz Mills

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

LEGISLATIVE BILL 472.

A BILL FOR AN ACT to amend section 60-1701, Reissue Revised Statutes of Nebraska, 1943, relating to motor vehicle inspections; to provide an exception; to provide for the inspection of implements of husbandry as prescribed; and to repeal the original section.

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

Voting in the affirmative, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Venditte
Warner				

Voting in the negative, 0.

Excused and not voting, 3:

Merz Mills Swigart

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

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 25, 1977, at 10:15 a.m., were the following bills: 81 and 81A.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 30, 238, and 419.

Correctly Engrossed

The following bills were correctly engrossed: 110 and 425.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT–Print Amendments to LB 38

Mr. Kelly asked unanimous consent to print the following amendments to LB 38 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 38

1. Insert a new section 9 as follows:

"Sec. 9. Any person charged with committing an offense against a person sixty-five years of age or older shall, upon conviction thereof, be punished by the penalty prescribed in the next higher classification above the classification provided by this act for the type of offense committed.".

2. Renumber original sections 9 to 346 as sections 10 to 347.

UNANIMOUS CONSENT—Print Amendments to LB 290

Mr. Kelly asked unanimous consent to print the following amendments to LB 290 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 290

1. Insert a new section 12 as follows:

"Sec. 12. Experience as (1) a state banking examiner for a period of three years, or (2) a federal banking examiner for a period of three years, or (3) a professor of accounting having teaching experience for a period of three years in an accredited Nebraska college, or (4) a teacher of accounting having a master's degree in an accredited Nebraska high school for a period of three years shall be considered as being an alternative experience requirement to those experience requirements provided by sections 1 and 8 of this act.".

2. Renumber renumbered section 11 as section 13.

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 290 in the Journal. No objections. So ordered.

AMENDMENT TO LB 290

1. On page 2 of section 1 as amended by the Labedz amendments, in line 6, insert "or who has had five years experience as an auditor in the office of the Auditor of Public Accounts as certified by the auditor, with graduation from a college or university of recognized standing being considered as the equivalent of two years of such experience," after the comma.

GENERAL FILE

LEGISLATIVE BILL 64. Considered.

Mr. Simon withdrew his amendments found in the Journal on page 1366.

Mr. Simon re-offered his amendments found in the Journal on page 1366.

Mr. Simon requested a record vote.

Voting in the affirmative, 26:

Bereuter	Boughn	Brennan	Carsten	Chambers
Cope	Cullan	Dworak	Fowler	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
F. Lewis	R. Lewis	Marsh	Marvel	Maxey
Murphy	Newell	Reutzel	Rumery	Simon
Warner				

Voting in the negative, 11:

Clark	DeCamp	Hasebroock	Lamb	Luedtke
Maresh	Moylan	Nichol	Rasmussen	Stoney
Venditte				

Present and not voting, 9:

Barnett	Burrows	Duis	Fitzgerald	George
Goodrich	Hefner	Savage	Schmit	

Excused and not voting, 3:

Merz	Mills	Swigart

The Simon amendment was adopted with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Kremer asked unanimous consent to be excused. No objections. So ordered.

Mr. Barnett withdrew his pending amendments found in the Journal on page 1333.

Mr. DeCamp moved to indefinitely postpone.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 27 ayes, 8 nays, and 14 not voting.

Mr. Venditte requested a roll call vote.

Voting in the affirmative, 23:

Barnett	Burrows	Clark	DeCamp	Duis
Fitzgerald	George	Goodrich	Hasebroock	Hefner
Kahle	Labedz	Lamb	R. Lewis	Luedtke
Maresh	Moylan	Murphy	Nichol	Rasmussen
Schmit	Stoney	Venditte		

Voting in the negative, 22:

Bereuter	Boughn	Brennan	Carsten	Chambers
Cope	Cullan	Dworak	Fowler	Kelly
Keyes	Koch	F. Lewis	Marsh	Marvel
Maxey	Newell	Reutzel	Rumery	Savage
Simon	Warner			

Excused and not voting, 4:

Kremer	Merz	Mills	Swigart

The motion to indefinitely postpone prevailed with 23 ayes, 22 nays, and 4 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused at noon until 2:30 p.m. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 4:30 p.m. in Room 2102.

COMMUNICATION FROM DEPARTMENT OF REVENUE

April 25, 1977

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

Dear Mr. Brown:

This is in response to your communication of April 19, 1977, regarding revenue estimates for fiscal year 1977-78.

There are no new revenue estimates available at this time. The last estimates which we prepared are those transmitted to the Speaker of the Legislature on March 8, 1977.

Pursuant to prior instructions from the Governor, we plan to prepare new estimates in early May just as soon as April cash receipt information is available. When these become available they will be transmitted to the Legislature.

Sincerely,
(Signed) William E. Peters
State Tax Commissioner

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 202. Placed on General File.

(Signed) John DeCamp, Chairman

UNANIMOUS CONSENT–Print Amendments to LB 533

Mr. Kelly asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To provide $2,400 for a UFO reporting and information gathering service to be operated by Kearney State College.

(1) On page 7, line 6, strike "3,371,958" and insert "3,374,358".
(2) On page 7, line 9, strike "5,456,566" and insert "5,458,966".
(3) On page 7, line 12, strike period and insert "and $2,400 for a UFO reporting and information gathering service.".
(4) On page 7, line 24, strike "57,861" and insert "60,261".
(5) On page 7, line 27, strike "238,556" and insert "240,956".
(6) On page 10, line 19, strike "6,499,449" and insert "6,501,849".
(7) On page 10, line 23, strike "11,775,636" and insert "11,778,036".

UNANIMOUS CONSENT–Print Amendments to LB 372

Mr. Kelly asked unanimous consent to print the following amendments to LB 372 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 372 (1)

1. On page 2, line 18 strike "Public Welfare" and show as stricken and insert "Health".
2. Insert a new section to read:

"Sec. 2. That section 71-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1903. The department, before issuance of a license, shall cause such investigation to be made, as it shall deem necessary, to determine if the character of the applicant or person in charge of the business and the place where the child care is to be furnished are such as to insure the proper care and treatment of children. The department may request the State Fire Marshal to inspect such places for fire safety. ~~and the Department of Health to~~ The department may inspect such places to determine if they meet sanitation and health standards set by

the ~~Department of Health~~ department for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel or environmental health personnel, as appropriate. The department may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing child care, to see that such business is being properly conducted.".

3. On page 2, line 19 strike "section" and insert "sections" and after "71-1901" insert "and 71-1903"; and in line 20 strike "is" and insert "are".

4. Renumber original section 2 as section 3.

AMENDMENTS TO LB 372 (2)

1. On page 2, strike the new matter in lines 12 through 16; and in line 18 strike "Public Welfare" and show as stricken and insert "Health".

2. Insert a new section to read:

"Sec. 2. That section 71-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1903. The department, before issuance of a license, shall cause such investigation to be made, as it shall deem necessary, to determine if the character of the applicant or person in charge of the business and the place where the child care is to be furnished are such as to insure the proper care and treatment of children. The department may request the State Fire Marshal to inspect such places for fire safety. and the ~~Department of Health to~~ The department may inspect such places to determine if they meet sanitation and health standards set by the ~~Department of Health~~ department for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel or environmental health personnel, as appropriate. The department may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing child care, to see that such business is being properly conducted.".

3. On page 2, line 19 strike "section" and insert "sections" and after "71-1901" insert "and 71-1903"; and in line 20 strike "is" and insert "are".

4. Renumber original section 2 as section 3.

RECESS

At 12:22 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:05 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly, Merz and Stoney who were excused until they arrive; Mr. Marvel who was excused until 2:30 p.m.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 61.

COMMUNICATION

Acknowledged receipt of House Joint Resolution 28 from Utah regarding abortion. (Resolution on file in the Clerk's office)

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Mr. Burrows renewed his pending amendment found in the Journal on page 1537.

Mr. Newell offered the following amendment to the Burrows amendment:
To amend the Burrows amendment to strike $100,000 of Actual Value and reinsert $250,000.00.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 16 nays, and 18 not voting.

The Newell amendment to the Burrows amendment lost with 9 ayes, 20 nays, and 20 present and not voting.

The Burrows amendment lost with 13 ayes, 21 nays, and 15 present and not voting.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 1577.

Mr. Duis moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 14 nays, and 20 not voting.

The F. Lewis amendment is pending.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. Newell asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518 (1)

1. Insert two new sections as follows:

"Sec. 9. No ownership of personal property shall be changed for purposes of qualifying for additional exemptions as provided by section 77-202.25.

Sec. 10. If the Department of Revenue determines that ownership of particular personal property has been changed for the purposes set forth in section 9 of this act, all exemptions for the particular property involved shall not be allowed, and taxes shall be paid on the actual value of the property.".

AMENDMENTS TO LB 518 (2)

1. On page 3 add a new section 9 as follows:

"Sec. 9. In addition to the tax imposed under section 77-2734, there is hereby imposed a tax of two per cent for each taxable year on the taxable income of corporations as identified under section 77-2734. The revenues from such tax shall be deposited in the Personal Property Tax Relief Fund created under section 1 of this act. The tax imposed by this section shall become effective for the tax year beginning January 1, 1978. For any taxpayer subject to this section whose fiscal year does not coincide with the calendar year, the tax rate shall apply for the period from January 1, 1978, to the last day of his then current fiscal year."

2. Renumber original section 9 as section 10.

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. DeCamp asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

Purpose: To increase the General Fund appropriation for State Aid to Community-based Mental Retardation, specifically Mental Retardation Region IV (Northeast Nebraska). This increase will provide for (1) the 1977-78 expenses needed to continue serving 21 Beatrice State Developmental Center

clients placed in Region IV programs during the current fiscal year and (2) increases in Region IV salaries to make them more comparable with the salaries in other Mental Retardation Regions.

The funding for the increase in the General Fund appropriation to Region IV is from a reappropriation of the unexpended balance of the 1976-77 appropriation to the Department of Public Institutions - Central Office. The Governor's Budget Bill, LB 490, reappropriates an unexpended General Fund balance not to exceed $500,000 and this amendment reappropriates an unexpended General Fund balance not to exceed $500,000.

On page 18, on lines 5 and 6 strike "6,630,416" and insert "6,365,969"; strike line 7; on line 12 strike "264,447" and insert "500,000".
On page 18, on line 25 strike the period after "increase" and insert ", except the Mental Retardation Region IV Regional Governing Board may increase personal services expenditures more than six per cent to make the Region IV salaries more comparable with the salaries in the other Mental Retardation Regions. The Mental Retardation Region IV General Fund budget provides for the 1977-78 expenses needed to continue serving the Beatrice State Developmental Center clients placed in Region IV programs during 1976-77."
On page 18, on line 27 after "region" insert ", which include the unexpended General Fund balance existing on June 30, 1977, that is reappropriated in an amount not to exceed $500,000,"
On page 19, on line 22 strike "694,298" and insert "929,851"; on line 25 strike "2,141,318" and insert "2,376,871".
On page 20, on line 10 strike "6,590,416" and insert "6,825,969"; on line 13 strike "16,780,112" and insert "17,015,665"; on line 23 strike "31,653,080" and insert "31,388,633"; on line 26 strike "51,140,644" and insert "50,876,197".

UNANIMOUS CONSENT—Print Amendments to LB 504

Mr. Maresh asked unanimous consent to print the following amendments to LB 504 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 504

1. On page 7, after line 16, insert:
"Claim No. 020, against the Public Service Commission, pay to Michael Binder, Rt. 3, Nebraska City, Nebraska, 68410, out of the General Fund $35.00
Claim No. 032, against the Military Department, pay to USDA Forest Service, R.A. Caruso, Director, Fiscal and Accounting Management, 11177 W. 8th Avenue, Box 25127, Lakewood, Colorado, 80225, out of the General Fund. $3,569.61
Claim No. 034, against the Department of Public Welfare, pay to Donald J. Destache, M.D., P.C. P.O. Box 2086, Hastings, Nebraska, 68901, out of the General Fund. $994.20
Claim No. 047, against the Secretary of State, pay to the Nebraska Press Advertising Service,

Inc., Philip A. Berkebile, 723 Sharp Building, Lincoln, Nebraska, 68508, out of the General Fund $143,368.12

Claim No. 063, against the Public Service Commission, pay to Barry, Inc., Mike Hoskin, President, 463 S. Walter, Olathe, Kansas, 66061, out of the General Fund. $51.25

Claim No. 071, against the Public Service Commission, pay to Loomis & Sons Trucking, Inc., Donald E. Loomis, 521 Tenth Street, Onawa, Iowa, 51040, out of the General Fund $15.00

Claim No. 084, against the State Claims Board, pay to Alfred E. Way, 3742 Madison, Lincoln, Nebraska, 68501, out of the General Fund $642.80

Claim No. 088, against the Department of Public Welfare, pay to Union Insurance Company, Roy Covault, P. O. Box 80438, Lincoln, Nebraska, 68501, out of the General Fund $2,315.00

UNANIMOUS CONSENT—Print Amendments to LB 257

Mr. Rasmussen asked unanimous consent to print the following amendments to LB 257 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 257

1. In the Enrollment and Review amendments, strike lines 4 and 5; in line 3, after "insert" insert "; and"; in line 6 strike "(7)" and insert "(6)"; in line 7 strike "a" and after "insert" insert "; and"; in line 8 strike "semicolon"; in line 9 strike "; and" and insert a period; and strike line 10.

2. On page 4, line 2 strike "and"; in line 5 strike the period and insert "; and"; and after line 5 insert:

"(7) Department of Revenue."; in line 16 strike "and"; in line 19 strike the period and insert "; and"; and after line 19 insert:

"(5) Department of Administrative Services created by section 81-1103, Reissue Revised Statutes of Nebraska, 1943.".

RESOLUTION

LEGISLATIVE RESOLUTION 62.

Introduced by Dworak, 22nd District.

WHEREAS, this Legislature desires to provide quality services to Nebraska's citizens who are in need of mental retardation and mental health services; and

WHEREAS, the delivery of such services must be done in the most equitable manner; and

WHEREAS, the General Funds appropriated and county revenue provided to regional community programs is not done a consistent or equitable basis which results in a statewide disparity of service delivery.

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

1. That a committee be appointed to perform an interim study of community based mental retardation and mental health funding patterns in an effort to formulate an equitable manner of distributing General Funds and of contributing county revenues.

2. That the committee make a report of its findings together with its recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 516. E & R amendments found in the Journal on page 1574 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

Bracketed on E & R Final at the request of Mrs. Marsh.

LEGISLATIVE BILL 485. E & R amendment found in the Journal on page 1574 for the Sixty-Eighth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 263. E & R amendments found in the Journal on page 1574 for the Sixty-Eighth Day were adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 531. Considered.

Mr. Koch withdrew his pending amendment found in the Journal on page 1583.

Mr. F. Lewis offered the following amendment:
After line 22 page 2 strike regional court administrators.

The amendment lost with 16 ayes, 22 nays, and 11 present and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, and 16 present and not voting.

EXPLANATION OF VOTE

If I had been present during Final Reading on April 25, 1977 I would voted as follows:
LB 45 - Nay, LB 93 - Aye, LB 196 - Aye, LB 228 - Aye, LB 472 - Aye

(Signed) Jack Mills

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 45, 93, 196, 228, and 472

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker Signed the following bills: 45, 93, 196, 228, and 472.

GENERAL FILE

LEGISLATIVE BILL 532. Title read. Considered.

Mr. Warner moved the adoption of the Appropriations Committee amendments II printed separate from the Journal (Req. No. 2622) referred to in the Journal on page 1568.

The amendments were adopted with 29 ayes, 0 nays, and 20 present and not voting.

Mr. Warner moved the adoption of the Appropriations Committee I amendments found in the Journal on page 1548.

MR. BARNETT PRESIDING

The amendments were adopted with 31 ayes, 0 nays, and 18 present and not voting.

Mr. Warner offered the following Appropriations Committee amendments:

1. Purpose: This amendment increases the personal service and salary limitation for the Commission on Aging by $22,345. Recent upgrading of several existing positions and filling authorized vacant staff positions will increase the salary and personal services expenditure level for FY 1977-78.

On page 54, line 2 strike "323,508" and insert "345,853".
On page 54, line 3 strike "289,663" and insert "312,008".

2. Purpose: This amendment revises the Department of Motor Vehicles personal services budget for positions intended to be included in the 1977-78 appropriation but were not included in the figures in LB 532.

On page 14, line 9, strike "1,652,613" and insert "1,687,385".
On page 14, line 11, strike "1,805,613" and insert "1,840,385".
On page 15, line 1, strike "2,745,119" and insert "2,779,891".
On page 15, line 4, strike "5,362,323" and insert "5,397,095".

3. On page 69, after line 17, add the following:
The State Department of Education shall contract with the University of Nebraska Medical Center, Meyer Children's Rehabilitation Institute, for diagnostic services related to the Specific Learning Disabilities Program. Included in the amount shown in this program is $65,000 for such diagnostic services.

The amendments were adopted with 28 ayes, 0 nays, and 21 present and not voting.

Laid over.

MOTION–Reconsider Action on LB 64

Mr. Merz moved to reconsider action on LB 64.

Motion pending.

UNANIMOUS CONSENT – Print Amendment to LB 539

Mr. Duis asked unanimous consent to print the following amendment to LB 539 in the Journal. No objections. So ordered.

AMENDMENT TO LB 539

1. On page 25, line 17 strike "up" and insert "five"; in line 20 before the comma insert "in an ongoing

educational program with a core population which includes residential care to provide services for children that do not have this benefit until it can be provided in their own local area"; strike beginning with "No" in line 22 through the period in line 24 and insert "Children shall remain in the residential area until appropriate services may be provided in the local area.".

UNANIMOUS CONSENT – Print Amendments to LB 427

Speaker Luedtke asked unanimous consent to print the following amendments to LB 427 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 427

1. In the F. Lewis amendments, insert a new section to read:

"Sec. 2. That section 39-6,185, Revised Statutes Supplement, 1976, be amended to read as follows:

39-6,185. When any motor vehicle, motor truck, truck-tractor, or trailer is operated upon the public highways of this state carrying a load in excess of the maximum weight permitted by section 39-6,180 or the maximum tolerance permitted in subdivision (1) or (2) of section 39-6,182, the load shall be reduced or shifted to within such maximum tolerance before being permitted to operate on any public highway of this state; Provided, that if any truck, truck-tractor, semitrailer or trailer exceeds the maximum load, or load with tolerance as provided in section 39-6,182, on only one axle, or on only one group of axles where the distance between the first and last axle of such group of axles is twelve feet or less, and said excess axle load is no more than five per cent in excess of the maximum load for such axles or group of axles permitted by section 39-6,180, while the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance as provided in section 39-6,182, and the load on such vehicle is such that it can be shifted or that the configuration of the vehicle can be changed so that all axles or groups of axles are within the maximum permissible limit, or maximum permissible limit with tolerance, for such axle or group of axles, such shift or change of configuration may be made without penalty; provided further, that any truck, truck-tractor, semitrailer, or trailer, carrying only a load of livestock, may exceed the maximum load, or load with tolerance on only one axle, or on only one group of axles when the distance between the first and last axle of said

group of axles is six feet or less, if the excess load on said axle or on said group of axles is caused by a shifting of the weight of the livestock by said livestock, and if the vehicle or combination of vehicles is within the maximum gross load, or maximum gross load with tolerance; and provided further, that any truck, truck-tractor, semitrailer, or trailer carrying any kind of a load, including livestock, which exceeds the legal maximum gross load by five per cent or less may proceed on its itinerary and unload the cargo carried thereon to the maximum legal gross weight at the first unloading facility on the itinerary where the cargo can be properly protected. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. Nothing herein contained shall be construed to permit to be operated, on the National System of Interstate and Defense Highways, any vehicle or combination of vehicles which exceeds any of the weight limitations applicable to such system, as contained in section 39-6,180, with the tolerance permitted in section 39-6,182.

If the maximum legal gross weight or axle weight of any vehicle is exceeded by five per cent or less and the arresting officer has reason to believe that such excessive weight is caused by snow, ice, or rain he may issue a warning citation to the operator.".

2. Renumber original section 2 as section 3.

3. In the F. Lewis amendments, page 2, line 2, strike "is" and insert "and section 39-6,185, Revised Statutes Supplement, 1976, are".

UNANIMOUS CONSENT–Print Amendment to LB 533

Mr. Nichol asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

On page 19, Line 3 delete "$460,000" and insert $412,000.
On page 19 after line 7, insert "(IV) Food Science Technologist $48,000."

MESSAGE FROM THE GOVERNOR

April 21, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

16.24
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SEVENTIETH DAY—APRIL 26, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 26, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, we ask with confidence and a feeling of security that You will answer our petitions. We are in need of Your direction and the strength to follow your guidance. May we be conscious of and work toward the union and community of all the people of this State. May the legislation that we are completing be for the good of all the people of this State. In these very important days may our deliberations and decisions show the wish and desire to promote the good of our State. With the guidance of the Holy Spirit may this be accomplished through Christ our Lord. Amen.

The Chaplain gave a special prayer for Ray Wilson who is in the hospital.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter and Warner who were excused; Mesdames. Labedz and Maxey, Messrs. Boughn, Burrows, Goodrich, Koch, F. Lewis, R. Lewis, Stoney, Swigart and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Sixty-Ninth Day was approved.

UNANIMOUS CONSENT—Member Excused

Mr. Mills asked unanimous consent to be excused the afternoon of May 2, 1977. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 344A. Placed on Select File.

LEGISLATIVE BILL 246. Placed on Select File as amended.
E & R amendments to LB 246:

1. In the Keyes amendments, line 13, insert an underscored comma after "benefits".

2. Renumber original section 5 as section 6.

3. In the title, line 6, strike "certain procedures" and insert "provisions for disbursement of funds; to change the verification time; to increase authority".

LEGISLATIVE BILL 209. Placed on Select File as amended.
E & R amendments to LB 209:

1. On page 2, line 4, insert "sickness and" after "selling"; and in lines 4 and 5 strike ", health,".

2. On page 3, line 1, strike "or".

3. In committee amendments, page 1, lines 10 and 11, strike "life insurance and"; in line 11 insert "and life" after "accident"; and in line 13 strike "herein" and insert "in this act".

4. In committee amendments, page 2, insert a comma after "negotiation" in line 1 and "negotiates" in line 6; in line 7 insert "sickness and" after the second "credit" and strike "and health"; and in line 18 strike "life insurance and" and insert "and life" after "accident".

5. In committee amendments, page 1, line 12, and page 2, line 20, strike "effective" and insert "operative".

LEGISLATIVE BILL 338. Placed on Select File as amended.
E & R amendments to LB 338:

1. In committee amendments, page 1, line 19, insert a comma after "state"; and in line 27, strike "and amendments thereto,".

2. In committee amendments, page 2, in line 9, insert "proposed to be" after "is"; and in line 10, strike "means" and insert "shall mean".

3. In the Duis amendment, lines 3 and 4, strike "the bank to be substituted" and insert "an affiliated bank"; and in line 5 strike "the" and insert "such".

4. In committee amendments, page 3, line 11, strike "where" and insert "when"; and in line 26 strike the first "or" and insert "of".

5. In the title, line 3, strike "one" and strike lines 4 and 5 and insert "an affiliated bank to a trust company as prescribed.".

LEGISLATIVE BILL 384. Placed on Select File as amended.
E & R amendments to LB 384:

1. On page 2, line 2, insert "Chapter 8, article 1, 2, 3, or 4, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, or" after "under"; in line 2 strike "articles" and insert "article"; in line 3 strike "and" and insert "or"; strike beginning with "Chapter" in line 4 through "or" in line 6; and in line 23 strike "such" and insert "the".

2. In the title, line 2, strike "corporations and associations" and insert "information"; and in line 4 strike "be" and insert "may be withheld or".

LEGISLATIVE BILL 517. Placed on Select File as amended.
E & R amendments to LB 517:

1. On page 2, line 11, strike "a duplicate copy"; and in line 12 strike "it" and insert "a duplicate copy".

2. In the title, line 6, insert a semicolon after "Commission".

LEGISLATIVE BILL 517A. Placed on Select File.
LEGISLATIVE BILL 524. Placed on Select File.

LEGISLATIVE BILL 450. Placed on Select File as amended.
E & R amendments to LB 450:

1. On page 5, line 4, strike "their" and insert "its".

2. On page 6, line 14, strike "Nebraska"; strike lines 15 and 16 and insert:

"(d) University of Nebraska Institute of Agriculture and Natural Resources;"; and in line 20 strike the period.

LEGISLATIVE BILL 450A. Placed on Select File.

LEGISLATIVE BILL 349. Placed on Select File as amended.
E & R amendments to LB 349:

1. On page 2, line 3, insert "(1)" after the period as in the statutes.

2. On page 3, line 25, strike "past" and insert "prior".

3. In committee amendments, line 16, insert an underscored comma after "1978".

4. In the title, strike lines 4 to 6 and insert "retirement system; to change provisions for membership of certain employees in the system; to provide an operative date;".

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendments to LB 182:

1. On page 1 of the committee amendments, strike the interlined matter; in line 15 strike "sight" and insert "site"; and in line 23 strike "and" and insert ", or".

2. On page 3, line 10, strike "devises" and insert "devices".

3. On page 4, line 6, strike the fourth comma and insert "so"; and in line 7 strike "visable" and insert "visible".

4. On page 7, line 1, strike "In the event" and insert "If"; in line 4 insert a comma after "order" and strike "thereto" and insert "to this act"; in line 9 insert "of" after "penalty"; insert "that" at the end of line 10; and in line 13 strike "where" and insert "when".

5. On page 8, line 2, insert "take" after the first "and".

6. In the title, strike lines 2 to 4 and insert:

"FOR AN ACT relating to disposal sites; to provide for the regulation of disposal sites as prescribed; to provide standards; to provide penalties; and to declare an emergency.".

LEGISLATIVE BILL 520. Placed on Select File as amended.
E & R amendments to LB 520:

1. In committee amendments, page 1, lines 2, 12, and 14, insert an underscored comma after "1978"; and in line 15 strike "receipt" and insert "receive".

2. In lieu of the Goodrich amendment, in committee amendments, line 4, strike "or" and insert an underscored comma; and after the comma insert "or the Public Employees Retirement Board,".

3. In the title, line 6, insert "to provide for transfer of equipment;" after the first semicolon.

Correctly Engrossed

The following bill was correctly engrossed: 485.

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 63.

Introduced by Barnett, 26th District.

A Resolution to propose an amendment to Article IV, section 13 of the Constitution of Nebraska.

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

That at the general election in November, 1978, there shall be submitted to the electors of the State of Nebraska for approval the following amendment to Article IV, section 13, of the Constitution of Nebraska, which is hereby proposed by the Legislature:

"Sec. 13. The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and cases of impeachment. The Governor, Attorney General and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except murder in the first degree, treason, and cases of impeachment. The Governor, Attorney General, and Secretary of State, sitting as a board, shall have power to grant respites, reprieves, pardons, or commutations in all cases of conviction for murder in the first degree, under such conditions as may be prescribed by law. The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve."

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 place limitations upon the Governor, Attorney General, and Secretary of State granting respites, reprieves, pardons, or commutations in cases of conviction for murder in the first degree.
> For
> Against"

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.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Mr. Newell renewed his pending amendment (3) found in the Journal on page 1538.

Mr. Newell asked unanimous consent to withdraw his amendment (3) and substitute the following amendment in lieu thereof. No objections. So ordered.

To amend LB 518
1. To remove all lids; sections 3, 5, 7
2. To allow for distribution of the Personal Property Tax Relief Fund; to be based on population and on concentration of Personal Property in ratios of 50% population, 50% Personal Property.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 7 nays, and 24 not voting.

The Newell substitute amendment (3) lost with 8 ayes, 19 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Newell renewed his pending amendment (4) found in the Journal on page 1538.

Mrs. Marsh 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 19 ayes, 6 nays, and 24 not voting.

Mr. Newell requested a roll call vote on closing debate.

Voting in the affirmative, 24:

Boughn	Carsten	Clark	Cope	Cullan
DeCamp	Duis	Dworak	George	Hasebroock
Hefner	Kahle	Kelly	Kremer	Lamb
Luedtke	Maresh	Marsh	Merz	Mills
Murphy	Nichol	Rasmussen	Schmit	

Voting in the negative, 12:

Brennan	Fitzgerald	Fowler	Keyes	F. Lewis
Marvel	Moylan	Newell	Reutzel	Rumery
Savage	Simon			

Present and not voting, 2:

Barnett	Chambers

Excused and not voting, 11:

Bereuter	Burrows	Goodrich	Koch	Labedz
R. Lewis	Maxey	Stoney	Swigart	Venditte
Warner				

The motion lost with 24 ayes, 12 nays, 2 present and not voting, and 11 excused and not voting.

Mr. Newell moved the Call be raised. The motion lost with 9 ayes, 16 nays, and 24 not voting.

Mr. Chambers asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. F. Lewis moved the Call be raised. The motion lost with 12 ayes, 21 nays, and 26 not voting.

Mr. Dworak moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

Mr. Newell asked unanimous consent to withdraw his amendment (4). No objections. So ordered.

Mr. Newell asked unanimous consent to withdraw all of his pending amendments found in the Journal on pages 1538, 1539, 1578, and 1616.

Mr. F. Lewis asked unanimous consent to withdraw his pending amendment found in the Journal on page 1577. No objections. So ordered.

Mr. Savage moved the Call be raised. The motion lost with 14 ayes, 20 nays, and 15 not voting.

Mr. Keyes renewed his pending amendment found in the Journal on page 1578.

Amendment pending.

Mr. Simon moved the Call be raised. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 520A. By Warner, 25th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 518. Considered.

Mr. Keyes asked unanimous consent to withdraw his pending amendment found in the Journal on page 1578. No objections. So ordered.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 6 nays, and 22 not voting.

The Chair ordered a roll call vote on advancing LB 518 due to a malfunction of the voting machine.

Voting in the affirmative, 29:

Boughn	Carsten	Clark	Cope	Cullan
DeCamp	Duis	Dworak	George	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Lamb	Luedtke	Maresh	Marsh	Marvel
Merz	Mills	Murphy	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	

Voting in the negative, 10:

Barnett	Brennan	Burrows	Chambers	Fitzgerald
Fowler	Labedz	F. Lewis	Newell	Simon

Present and not voting, 1:

Moylan

Excused and not voting, 9:

Bereuter	Goodrich	Koch	R. Lewis	Maxey
Stoney	Swigart	Venditte	Warner	

Advanced to E & R for Review with 29 ayes, 10 nays, 1 present and not voting, and 9 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SELECT FILE

LEGISLATIVE BILL 232. E & R amendments found in the Journal on page 1601 for the Sixty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

Mr. Duis asked unanimous consent to bracket LB 232 on E & R Final until May 3, 1977. No objections. So ordered.

LEGISLATIVE BILL 486. E & R amendments found in the Journal on page 1601 for the Sixty-Ninth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 161. E & R amendment found in the Journal on page 1602 for the Sixty-Ninth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 33. E & R amendments found in the Journal on page 1602 for the Sixty-Ninth Day were adopted.

Mr. Lamb requested a machine vote to advance LB 33.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 21:

Boughn	Carsten	Cope	Cullan	DeCamp
Duis	Fitzgerald	Fowler	George	Kahle
Keyes	F. Lewis	Luedtke	Marsh	Maxey
Newell	Reutzel	Rumery	Savage	Schmit
Simon				

Voting in the negative, 18:

Brennan	Burrows	Chambers	Clark	Dworak
Hefner	Kelly	Kremer	Labedz	Lamb
Maresh	Marvel	Merz	Mills	Moylan
Murphy	Rasmussen	Swigart		

Present and not voting, 3:

Barnett	Hasebroock	Nichol

Excused and not voting, 7:

Bereuter	Goodrich	Koch	R. Lewis	Stoney
Venditte	Warner			

Failed to advance to E & R for Engrossment with 21 ayes, 18 nays, 3 present and not voting, and 7 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Maresh asked unanimous consent to bracket LB 33 until May 2, 1977.

Mr. F. Lewis objected.

LEGISLATIVE BILL 427. E & R amendment found in the Journal on page 1603 for the Sixty-Ninth Day was adopted.

Laid over.

MESSAGE FROM THE GOVERNOR

April 26, 1977

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

Dear Mr. President & Senators:

I hereby return LB 45 without my signature and with my objections.

LB 45 is a flagrant attempt of the Legislature to overreach its legitimate constitutional legislative authority by directing that the executive officers of government violate their oaths to uphold the Constitution. On two occasions the Attorney General has advised your body of the constitutional defects of this bill.

The heart of LB 45 is Senator Murphy's attempt of last year to specifically appropriate $8,170 to Ponca Public Schools. Such an attempt to appropriate tax funds specifically to one singled-out school district was in obvious violation of Article III, Section 18 of the State Constitution, and the unicameral was advised by the Attorney General of this problem through my veto. My veto was overridden, and the Executive, upon the advice of the Attorney General, properly refused to disburse this unconstitutional appropriation.

The Constitution of the State of Nebraska, to be an effective, living document, must govern the actions of the Legislature and the Executive prospectively as well as retrospectively. It is true that the Supreme Court is the final arbiter of the Constitution, but that does not mean the Legislature should do whatever it wishes until the Court says no! The Legislature should pay attention to the Constitution before legislation is passed as well as when the Supreme Court slaps the Unicameral's hands.

As the Attorney General has pointed out, LB 45 is also frought (sic) with practical problems as well. LB 45 places an affirmative duty on an executive officer to implement legislation or bring suit to challenge its validity. In many cases, it may very well be that the only way to establish a constitutional test will be for the executive officer to refuse to implement the legislation so that suit can be brought against that officer.

All in all, LB 45 is ill-conceived and an affront to our constitutional principles. It should be quietly laid to rest.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

UNANIMOUS CONSENT–Print Amendments to LB 182

Mr. DeCamp asked unanimous consent to print the following amendments to LB 182 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 182

1. In the committee amendment, insert a new section to read:

"Sec. 8. A disposal site shall be located at least one thousand five hundred feet from any rural domestic well."

2. Renumber subsequent section of the committee amendment accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 64.

Introduced by Maresh, 32nd District.

WHEREAS, an ever increasing number of pivot type sprinkler irrigation systems are being used in Nebraska agriculture; and

WHEREAS, the occasional malfunction of an operating system or a sudden change in wind direction may cause damage to roads as well as enhance the danger of motor vehicle accidents; and

WHEREAS, the liability for damage caused by such systems creates many legal questions and provides great concern to the owners of such systems; and

WHEREAS, some Nebraska counties have permitted the posting of warning signs to advise of the potential peril from nearby irrigation systems while other counties have not; and

WHEREAS, it would seem desirable for all Nebraska counties to respond to this situation in the same way.

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

1. That the Legislature's Public Works Committee perform an interim study of the desirability and workability of adopting a uniform system of warning signs to alert citizens of potential road hazards caused by pivot irrigation systems.

2. That the committee make a report of its findings together with its recommendations for any legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION—Return LB 91 to Select File

Mr. Kahle moved to return LB 91 to Select File for the following specific amendment:

In Sect 4 (81-2162.07) strike the new matter in lines 10 and 11

The motion prevailed with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 91. The Kahle specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 516 to Select File

Mrs. Marsh moved to return LB 516 to Select File for the specific amendment found in the Journal on page 1586.

The motion prevailed with 27 ayes, 1 nay, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 516. The Marsh specific amendment found in the Journal on page 1586 was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Withdraw Amendment on LB 510

Mr. Keyes asked unanimous consent to withdraw his pending amendment found in the Journal on page 1568 to LB 510. No objections. So ordered.

MOTION–Return LB 30 to Select File

Mr. George moved to return LB 30 to Select File for the following specific amendment:

To return LB 30 to Select File for a specific amendment, which is to "strike $20 and insert $22".

Mr. George moved for a Call of the House. The motion prevailed with 16 ayes, 7 nays, and 26 not voting.

Mr. George requested a roll call vote.

Voting in the affirmative, 21:

Barnett	Brennan	Burrows	Chambers	Cullan
DeCamp	Dworak	Fitzgerald	Fowler	George
Keyes	F. Lewis	Luedtke	Maxey	Mills
Murphy	Newell	Reutzel	Rumery	Schmit
Simon				

Voting in the negative, 22:

Boughn	Carsten	Clark	Cope	Duis
Hasebroock	Hefner	Kahle	Kelly	Kremer
Labedz	Lamb	Maresh	Marsh	Marvel
Merz	Moylan	Nichol	Rasmussen	Savage
Stoney	Swigart			

Excused and not voting, 6:

Bereuter	Goodrich	Koch	R. Lewis	Venditte
Warner				

The motion to return LB 30 lost with 21 ayes, 22 nays, and 6 excused and not voting.

Mr. Swigart moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

MOTION–Return LB 483 to Select File

Mr. Duis moved to return LB 483 to Select File for the following specific amendment:

1 1. Strike the Duis amendment found on page 1562
2 of the Journal.

Mr. Duis moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to return LB 483 prevailed with 25 ayes, 9 nays, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 483. The Duis specific amendment found in this day's Journal was renewed.

Mr. Duis requested a roll call vote.

Voting in the affirmative, 18:

Cullan	Duis	Hasebroock	Kahle	Kelly
Labedz	Luedtke	Maresh	Marsh	Marvel
Moylan	Murphy	Newell	Nichol	Rasmussen
Savage	Schmit	Swigart		

Voting in the negative, 24:

Barnett	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Dworak	Fitzgerald
Fowler	George	Hefner	Keyes	Kremer
Lamb	F. Lewis	Maxey	Merz	Mills
Reutzel	Rumery	Simon	Stoney	

Present and not voting, 1:

DeCamp

Excused and not voting, 6:

Bereuter Goodrich Koch R. Lewis Venditte Warner

The Duis amendment lost with 18 ayes, 24 nays, 1 present and not voting, and 6 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Advanced to E & R for Engrossment.

REFERENCE COMMITTEE REPORT

LR	Committee
63	Cons. Rev. & Rec.

(Signed) R. Marvel, Chairman, J. Mills, W. Nichol, J. Savage, L. Stoney, and S. Fowler

UNANIMOUS CONSENT–Print Amendments to LB 518

Mr. Newell asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. Insert new sections as follows:

"Sec. 9. To be eligible to receive money from the Personal Property Tax Relief Fund, each county shall have levied, in the manner prescribed by law, a tax on the valuation of all taxable property within the county for the preceding year of ninety mills.

Sec. 10. One-fourth of the money received from the Personal Property Tax Relief Fund shall be used by the particular county to lower the mill levy of the county. The mill levy shall be reduced proportionately to the money received.".

2. Renumber original section 9 as section 11.

MOTION—Return LB 398 to Select File

Mr. Duis moved to return LB 398 to Select File for the following specific amendment:
1. Strike the Newell amendment found at page 1262 of the Legislative Journal.

Mr. Duis moved for a Call of the House. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

The motion to return prevailed with 25 ayes, 10 nays, 8 present and not voting, and 6 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 398. The Duis specific amendment found in this day's Journal was renewed.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 2 nays, and 18 not voting.

Mr. Duis requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Barnett	Carsten	Clark	Cope	Cullan
DeCamp	Duis	Dworak	George	Hasebroock
Hefner	Kahle	Kelly	Lamb	Luedtke
Maresh	Marsh	Marvel	Murphy	Nichol
Rasmussen	Rumery	Schmit	Stoney	

Voting in the negative, 17:

Boughn	Brennan	Burrows	Fitzgerald	Fowler
Keyes	Kremer	Labedz	Maxey	Merz
Mills	Moylan	Newell	Reutzel	Savage
Simon	Swigart			

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Bereuter	Goodrich	Koch	F. Lewis	R. Lewis
Venditte	Warner			

The Duis amendment lost with 24 ayes, 17 nays, 1 present and not voting, and 7 excused and not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Cullan requested a machine vote to advance to E & R for Engrossment.

Mr. Mills moved for a Call of the House. The motion lost with 6 ayes, 20 nays, and 23 not voting.

Mr. Mills requested a roll call vote to advance to E & R for Engrossment.

Voting in the affirmative, 12:

Brennan	Burrows	Fitzgerald	Fowler	Keyes
Labedz	Mills	Moylan	Newell	Rumery
Simon	Swigart			

Voting in the negative, 11:

Carsten	Clark	Cullan	Lamb	Maresh
Marvel	Maxey	Murphy	Nichol	Rasmussen
Stoney				

Present and not voting, 19:

Barnett	Boughn	Chambers	Cope	DeCamp
Duis	Dworak	George	Hasebroock	Hefner
Kahle	Kelly	Kremer	Luedtke	Marsh
Merz	Reutzel	Savage	Schmit	

Excused and not voting, 7:

Bereuter	Goodrich	Koch	F. Lewis	R. Lewis
Venditte	Warner			

Failed to advance to E & R for Engrossment with 12 ayes, 11 nays, 19 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Marvel asked unanimous consent to be excused until 2:30 p.m. No objections. So ordered.

VISITORS

The President introduced former Senator K. W. Petersen from Sargent; 25 tenth grade students and sponsor from Overton; 16 sixth, seventh, and eighth grade students, teacher, and sponsors from Valley, Nebraska; 20 third and fourth grade students, teacher, and sponsor from Lewiston, Nebraska; and Marge Higgins and Anne Boyle.

RECESS

At 12:01 p.m., on a motion by Speaker Luedtke, 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. Bereuter and Warner who were excused; Messrs. R. Lewis, Marvel, Nichol, F. Lewis, and Venditte who were excused until they arrive; Mr. Rumery who was absent until 1:50 p.m.; Mr. Chambers who was absent until 2:15 p.m.; and Mr. Duis who was absent until 3:00 p.m.

UNANIMOUS CONSENT—Members Excused

Mr. Mills asked unanimous consent to be excused Thursday, April 28, 1977. No objections. So ordered.

Mr. Luedtke asked unanimous consent to be excused Wednesday, April 27, 1977. No objections. So ordered.

Messrs. Clark and Rasmussen asked unanimous consent to be excused Wednesday afternoon, April 27, 1977. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 390. Mr. Cullan asked unanimous consent to bracket LB 390 until Friday, April 29, 1977. No objections. So ordered.

LEGISLATIVE BILL 162. Mr. Newell asked unanimous consent to withdraw his motion to indefinitely postpone. No objections. So ordered.

Mr. Newell renewed his pending amendment found in the Journal on page 1564.

The amendment was adopted with 28 ayes, 1 nay, 10 present and not voting, 3 absent and not voting, and 7 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 530. E & R amendments found in the Journal on page 1574 for the Sixty-Eighth Day were adopted.

Mr. Koch asked unanimous consent to have LB 530 laid over.

Mrs. Marsh objected.

Mr. Koch renewed his pending amendment (1) found in the Journal on page 1570.

The amendment was adopted with 28 ayes, 2 nays, 10 present and not voting, 2 absent and not voting, and 7 excused and not voting.

Mr. Koch withdrew his pending amendment (2) found in the Journal on page 1571.

Mr. Newell offered the following amendment:

AMENDMENT TO LB 530

Add new sub-part (f) to Appropriations Committee amendment 4 to read as follows:
(1) (f) There shall be included in the amounts shown for each agency's personnel service expenditures sufficient funds for each agency to grant to each permanent state employee a longevity salary increase. Such longevity salary increase shall be based on the following lengths of satisfactory seniority as of July 1, 1977, with the Nebraska State government: 1 to 5 years, a two percent increase; 6 to 10 years, a three percent increase; 11 to 15 years, a four percent increase; 16 or more years, a five percent increase. Such longevity salary increase shall be based on each employee's fiscal year 1976-77 salary and shall not exceed each agency's personnel services limitations.
(2) Each agency's personnel service limitations shall be increased by an amount sufficient to fund the longevity increase.

The amendment lost with 6 ayes, 17 nays, 19 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. Mr. Rasmussen renewed his pending amendment found in the Journal on page 1168.

The amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. Dworak renewed his pending amendments found in the Journal on page 1299.

The amendment lost with 13 ayes, 14 nays, 16 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1618.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mrs. Marsh asked unanimous consent to have LB 257 laid over. No objections. So ordered.

LEGISLATIVE BILL 290. Mr. DeCamp asked unanimous consent to bracket until April 28, 1977. No objections. So ordered.

LEGISLATIVE BILL 427. Speaker Luedtke renewed his pending amendment found in the Journal on page 1622.

The amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Keyes renewed his pending amendment found in the Journal on page 781.

The amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

April 25, 1977

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

Dear Mr. President and Senators:

I am sending for your information a copy of a letter from Mr. Berri Balka, Director of the Department of Insurance, outlining the 77-78 cost for employees covered by the State Health Insurance Plan. For a state employee covered by the high option family plan, the increased cost is $7.83 per month, or $94 per year, which is nearly an eleven percent increase.

This information was received just last week and I am passing it along to you for your consideration. Additionally, I wish to point out that my proposed salary plan for FY 77-78 contains adequate flexibility to allow agencies to pay this increased cost through careful management of their budgets without additional appropriations. The Budget Committee has ignored my suggestions and have therefore eliminated that option. I am therefore asking you to accept my salary plan as contained in my budget bills and allow the state to offset this increased health cost for each employee covered by the state plan without additional appropriations.

Should you agree with my recommendation, Section 44-1620.01, 1976 Cumulative Supplement of RRS of Nebraska, will have to be amended. I will request the introduction of that amendment if you concur.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do

Attachment

Department of Insurance
April 19, 1977

The Honorable J. James Exon
Governor
2nd Floor, N.E.
State Capitol Building
Lincoln, Nebraska 68509

Re: Group Health Insurance – State Employees

Dear Governor Exon:

In the latter half of 1976, your Insurance Committee began the study to develop bid specifications for the state employees Group Health Insurance Program. Subsequent to the Committee's study and recommendations, the Department of Insurance mailed formal bid notices to 701 insurance organizations licensed to write health insurance business in the State of Nebraska. The bid notice indicated that bids would be opened April 7, 1977, and that specifications and census reports would be made available on March 1 of this year. Nine companies requested specifications. Five companies requested employees census reports. At the time of the bid opening, 2:00 P.M., April 7, 1977, two companies submitted proposals for consideration by the Committee. The proposals submitted are summarized as follows:

1. Northwestern National Life Insurance Company submitted a proposal to administer a self-insured program for the State of Nebraska. The Company proposed to set up claims and administrative procedures for the payment of health claims out of a state fund. Payment to the company would be made on a percentage basis according to the dollar amount of claims handled.

It was the belief of the Insurance Committee that approximately nine months to one year would be required in order to gather the information and complete an analysis as to the feasibility of a self-insurance program for the State of Nebraska with regard to employee group health benefits. This study would be necessary to determine the proper reserve funds; budgetary and legislative considerations; fiscal and employee safeguards and further to determine whether or not a stop loss reinsurance program should be utilized to protect the employees and the state against vast dollar outlays as a result of a catastrophy.

The Committee's recommendation would be to utilize the next year to complete an analysis and feasibility study with regard to the self-insured type of program.

2. Blue Cross/Blue Shield of Nebraska submitted a bid proposal that would provide state employees with the same low option, high option, HMP type coverages that are currently available under the present contract.

At the present time, the State of Nebraska pays an employee contribution towards the group health insurance benefits as follows:

Low Option Plan	Current Monthly Rate
Single	$13.59
2/4 Party	35.19
Family	52.08

This contribution by the state on behalf of the employees pays the low option premium for the coverages made available by Blue Cross/Blue Shield of Nebraska. Blue Cross/Blue Shield of Nebraska offered two alternatives; one for a twelve month rate guarantee and an alternative twenty-four rate guarantee. A copy of the complete rate proposal is attached for your information.

After consideration of the proposal, the Insurance Committee makes the recommendation that the State of Nebraska accept the Blue Cross/Blue Shield bid proposal for a twelve month rate guarantee. Premium rate comparisons are as follows:

Low Option Plan	Proposed Rate	Current Monthly Rate	Monthly Dollar Increase
Single	$ 15.20	$ 13.59	$1.61
2/4 Party	39.31	35.19	4.12
Family	56.25	52.08	4.17
High Option Plan HMP Option Plan			
Single	$ 21.99	$ 18.69	$3.30
2/4 Party	56.45	48.71	7.74
Family	79.94	72.11	7.83

Please advise if you desire further information or further analysis with regard to the alternative or the Insurance Committee's recommendation.

Very truly yours,

(Signed) M. Berri Balka
Director of Insurance

MBB:jg

Enclosure

BLUE CROSS & BLUE SHIELD BID PROPOSAL

HMP Option Plan	Current Monthly Rate	12 Month Rate Guarantee: Proposed Rate	12 Month Rate Guarantee: Monthly Dollar Increase	12 Month Rate Guarantee: % Increase	24 Month Rate Guarantee: Proposed Rate	24 Month Rate Guarantee: Monthly Dollar Increase	24 Month Rate Guarantee: % Increase
Single	$18.69	$21.99	$3.30	17.66%	$24.15	$ 5.46	29.21%
2/4 Party	$48.71	$56.45	$7.74	15.89%	$62.98	$14.27	29.30%
Family	$72.11	$79.94	$7.83	10.86%	$89.96	$17.85	24.75%
High Option Plan							
Single	$18.69	$21.99	$3.30	17.66%	$24.15	$ 5.46	29.21%
2/4 Party	$48.71	$56.45	$7.74	15.89%	$62.98	$14.27	29.30%
Family	$72.11	$79.94	$7.83	10.86%	$89.96	$17.85	24.75%
Low Option Plan							
Single	$13.59	$15.20	$1.61	11.85%	$16.53	$ 2.94	21.63%
2/4 Party	$35.19	$39.31	$4.12	11.71%	$42.74	$ 7.55	21.45%
Family	$52.08	$56.25	$4.17	8.01%	$60.93	$ 8.85	16.99%

UNANIMOUS CONSENT–Print in Journal

Mr. Maresh asked unanimous consent to print the following letter in the Journal. No objections. So ordered.

April 22, 1977

Dear Senator Maresh:

Accompanying this letter are two copies of an Agreement between the Nebraska Department of Business Institutions and the American Federation of State, County and Municipal Employees. The Speaker has directed that I forward these contents for review by your committee.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

cn
Enclosures

UNANIMOUS CONSENT–Print Amendments to LB 533

Mr. Kelly asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To transfer the appropriation of SUN to the University of Nebraska-Lincoln and to reduce the General Fund appropriation by $64,696 and to prescribe a phase-out of General Fund support earmarked for SUN.

(1) On page 20, strike lines 18 through 26, Program No. 786 - State University of Nebraska.

(2) On page 21, strike lines 1 through 5.

(3) On page 21, line 20, strike "20,618,299" and insert "20,488,907"; on line 21, strike "4,337,028" and insert "4,158,828"; on line 23, strike "69,040,636" and insert "68,965,441"; and on line 24, strike "115,957,216" and insert "115,574,429".

(4) On page 22, line 3, strike "25,982,512" and insert "26,047,208"; on line 4, strike "14,539,738" and insert "14,717,938"; on line 6, strike "2,879,370" and insert "2,954,565"; and on line 7, strike "43,451,620" and insert "43,769,711".

(5) On page 23, after line 20, insert: There is included in the amount shown, 64,696 General funds,

178,200 Cash funds, and 75,195 Revolving funds to the Division of Continuing Studies to meet expenditures associated with the merger of the SUN Program into the Division of Continuing Studies. It is the intent of the Legislature that General Fund appropriations to the program formally known as SUN be phased out by Fiscal Year 1979-80.
(6) On page 23, line 22, strike "35,268,753" and insert "35,439,391"; and on line 23, strike "31,988,871" and insert "32,143,595".
(7) On page 26, line 14, strike "46,169,226" and insert "46,233,922"; on line 15, strike "15,513,123" and insert "15,691,323"; on line 17, strike "6,774,960" and insert "6,850,155"; and on line 18, strike "72,041,923" and insert "72,360,014".

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Koch asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 532

1. On page 68, line 4 strike "465,121" and insert "466,121"; line 8 strike "1,053,671" and insert "1,054,671".
2. On page 75, line 10 strike "76,516,156" and insert "76,517,156"; line 14 strike "122,481,283" and insert "122,482,283".

MOTION—Override Veto on LB 45

Mr. Murphy moved to pass LB 45 into law notwithstanding the action of the Governor.

Motion pending.

UNANIMOUS CONSENT—Unbracket LB 390

Mr. Cullan asked unanimous consent to unbracket LB 390 on Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 390. Mr. Mills renewed his pending amendment found in the Journal on page 1463 and requested a separate vote on each section.

Mr. Mills moved the adoption of the amendment to Section 2.

Mr. Mills moved for a Call of the House. The motion prevailed with 15 ayes, 3 nays, and 31 not voting.

Mr. Mills requested a roll call vote on his amendment to Section 2.

Voting in the affirmative, 18:

Burrows	Carsten	Clark	Cullan	Dworak
George	Goodrich	Hasebroock	Kremer	Lamb
Marvel	Mills	Moylan	Murphy	Rasmussen
Reutzel	Savage	Stoney		

Voting in the negative, 16:

Boughn	Cope	DeCamp	Hefner	Kahle
Kelly	Keyes	Luedtke	Maresh	Marsh
Maxey	Newell	Nichol	Rumery	Schmit
Swigart				

Present and not voting, 10:

Barnett	Brennan	Chambers	Duis	Fitzgerald
Fowler	Koch	Labedz	Merz	Simon

Excused and not voting, 5:

Bereuter	F. Lewis	R. Lewis	Venditte	Warner

The Mills amendment to Section 2 lost with 18 ayes, 16 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Mills withdrew his amendment to Section 3.

Mr. Cullan asked unanimous consent to bracket LB 390 until Thursday, April 28, 1977. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Constitutional Revision and Recreation

LR 63 Tuesday, May 3, 1977 12:30 p.m.

(Signed) Jerry Koch, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 65.

Introduced by Carsten, 2nd District; Hefner, 19th District.

WHEREAS, Jules W. Burbach was elected to membership in the Legislature in 1956 and served for an unbroken twenty years until his decision not to seek reelection in 1976; and

WHEREAS, he was named chairman of the Revenue Committee in 1961 and served in that capacity until 1975, exerting outstanding leadership in the processing of major items of revenue legislation, most notable of which was the sales-income tax legislation in 1967 when the state faced potential fiscal crisis; and

WHEREAS, he served the Legislature with distinction as its Speaker during the 1975 and 1976 sessions, striving ever to improve the legislative process; and

WHEREAS, he is a man of many varied interests and was one of the truly great leaders of the Legislature, working to make a better way of life for all Nebraskans and to improve the efficiency of its government at all levels; and

WHEREAS, he has rendered outstanding service to the Legislature and the individual members thereof as the Legislative Council Executive Director since December 1, 1976, a position which he is about to relinquish; and

WHEREAS, we shall miss him, miss his vast knowledge, his wise counsel, and his puckish sense of humor; and

WHEREAS, his accomplishments will be a lasting monument to him and of lasting benefit to Nebraska and Nebraskans, the state and people he loves.

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

1. That we express the fullest possible measure of appreciation to Jules W. Burbach for the many lasting contributions he has made during his long term of public service.

2. We thank him for being our friend.

3. That as he goes now from public service, we wish Jules and his charming wife Bernice many years of health and happiness.

4. That a copy of this resolution be furnished to Jules W. Burbach.

Laid over.

UNANIMOUS CONSENT—Members Excused

Mr. Swigart asked unanimous consent to be excused Wednesday morning, April 27, 1977. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused Friday, April 29, 1977. No objections. So ordered.

Mr. Hefner asked unanimous consent to be excused Wednesday afternoon, April 27, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Unbracket LB 159

Mr. DeCamp asked unanimous consent to unbracket LB 159 on General File and put it in it's original position. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 192. Title read. Considered.

Mr. Burrows renewed his pending amendments 1 through 4, found in the Journal on page 1546.

Burrows amendment 1 was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Burrows moved the Call be raised. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Burrows amendments 2, 3, and 4 were adopted with 25 ayes, 2 nays, 16 present and not voting, and 6 excused and not voting.

Mesdames. Maxey and Labedz and Messrs. Luedtke, Boughn, Schmit asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

Mr. Burrows moved for a Call of the House. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Mr. Burrows moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Failed to advance to E & R for Review with 15 ayes, 12 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Burrows asked unanimous consent to bracket LB 192 until May 3. No objections. So ordered.

UNANIMOUS CONSENT–Bracket LB 328

Mrs. Maxey asked unanimous consent to bracket LB 328 on final reading until May 2, 1977. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

April 25, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 90 and 90A.

These bills were signed by me on April 25, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

Mr. Brennan asked unanimous consent to be excused until he returns. No objections. So ordered.

VISITORS

The President introduced a Community Nutrition Class from Creighton Medical School, and Maxine M. Burch; 37 sophomores and sponsors from Mt. Michael High School, Elkhorn, Nebraska; Mr. & Mrs. Charles Garvey of Omaha.

ADJOURNMENT

At 4:27 p.m., on a motion by Mr. Marvel, the Legislature adjourned until 9:00 a.m., Wednesday, April 27, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FIRST DAY—APRIL 27, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 27, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty God, We think of You now in prayer. We look for and hope for the strength and the guidance of Your help.
>
> May we be guided by the spirit of Your truth, and spirit of Your justice, and the spirit of Your peace.
>
> May we be strengthened by the spirit of courage, the spirit of generosity, the spirit of love.
>
> So strengthened and so guided, may our actions today and everyday be a source of good and a cause of blessings for our fellowmen whom we seek to serve. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Bereuter, Brennan, Luedtke, Swigart, and Warner who were excused; Messrs. Schmit, Burrows, Boughn, Dworak, Stoney, Reutzel, DeCamp, Mesdames. Marsh, and Maxey who were excused until they arrive; and Mr. Fowler who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventieth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Fitzgerald asked unanimous consent to be excused this afternoon and tomorrow morning. No objections. So ordered.

Mr. DeCamp asked unanimous consent to be excused Thursday and Friday, April 28 and April 29, 1977 and until he arrives next week. No objections. So ordered.

UNANIMOUS CONSENT—Withdraw Amendment to LB 533

Mr. Nichol asked unanimous consent to withdraw his amendment to LB 533 found in the Journal on page 1623. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 7. With Emergency.

A BILL FOR AN ACT to amend section 79-2651, Revised Statutes Supplement, 1976, as amended by section 12, Legislative Bill 459, Eighty-fifth Legislature, First Session, 1977, relating to the technical community colleges; to provide for the distribution of funds as prescribed; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 35:

Barnett	Burrows	Carsten	Chambers	Clark
Cope	Cullan	Duis	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Maresh	Marvel	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Rumery	Savage	Simon	Venditte

Voting in the negative, 0.

Absent and not voting, 1:

Fowler

Excused and not voting, 13:

Bereuter	Boughn	Brennan	DeCamp	Dworak
Luedtke	Marsh	Maxey	Reutzel	Schmit
Stoney	Swigart	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.

RESOLUTION

LEGISLATIVE RESOLUTION 65. Read and considered.

LR 65 was adopted with 39 ayes, 0 nays, 2 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Standing Committee amendments found in the Journal on page 881 for the Forty-Fourth Day were considered.

Mr. R. Lewis renewed his pending amendments found in the Journal on page 1355 to the Standing Committee amendment.

Mr. Maresh asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Barnett asked unanimous consent to hold a short meeting of the Judiciary Committee under the North Balcony. No objections. So ordered.

Mr. Simon 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 R. Lewis amendments to the Standing Committee amendments were adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. DeCamp moved to strike all sections of the bill and insert the contents of his amendments found in the Journal on page 1554.

Mr. Rasmussen asked unanimous consent to be excused until 11:30 a.m. No objections. So ordered.

Mr. Simon 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. DeCamp moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. DeCamp requested a roll call vote on the amendment to the Standing Committee amendment.

Voting in the affirmative, 26:

Barnett	Boughn	Carsten	Chambers	Clark
Cope	Cullan	DeCamp	Dworak	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Keyes	Koch	F. Lewis	Marvel	Moylan
Newell	Reutzel	Rumery	Schmit	Simon
Venditte				

Voting in the negative, 15:

Kahle	Kelly	Kremer	Labedz	Lamb
R. Lewis	Maresh	Marsh	Maxey	Mills
Murphy	Nichol	Rasmussen	Savage	Stoney

Present and not voting, 3:

Burrows	Duis	Merz

Excused and not voting, 5:

Bereuter	Brennan	Luedtke	Swigart	Warner

The amendment was adopted with 26 ayes, 15 nays, 3 present and not voting, and 5 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT—Withdraw Amendments to LB 533

Mr. Kremer asked unanimous consent to withdraw his pending amendments to LB 533 found in the Journal on page 1582. No objections. So ordered.

EXPLANATION OF VOTES

I would have voted Aye on LB 7 had I been present when it was read on Final Reading.

(Signed) Larry Stoney

Had I not been excused I would have voted for LB 7.

(Signed) Barry Reutzel

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 91. Replaced on Select File as amended.
E & R amendments to LB 91:

1. All amendatory matter having been removed therefrom by the Kahle amendment adopted 4/26, strike section 4 and renumber subsequent sections accordingly.

2. In the Kahle amendments adopted 4/18, page 6, line 17, and E & R 2 adopted 4/21, line 2, strike "81-2,162.07,".

LEGISLATIVE BILL 483. Replaced on Select File as amended.
E & R amendments to LB 483:

1. On page 5, line 5, insert "any" after "from" and strike "assessments" and insert "assessment".

2. Strike E & R 4 adopted 4/14, and in lieu of the George amendment adopted 4/5, in the Duis amendments found on page 1285 of the Journal, section 2, line 10, strike "shall" and insert "may".

LEGISLATIVE BILL 531. Placed on Select File as amended.
E & R amendments to LB 531:

1. In line 1 of the Warner amendment 2 on page 1517 of the Journal, strike "Sec. 28" and insert "section 21"; in line 5 strike "Legislature" and insert "Legislative Council"; strike line 6 and "amended" in line 7 and insert "sections 81-1131 to 81-1138, Revised Statutes Supplement, 1976"; in line 11 strike "bill" and insert "act"; and in the last line strike "Nebraska".

2. Insert the new section added by the Warner amendment 3 as section 22 and redesignate subsections as (1) to (5); in lines 1 and 2 strike "mentioned in this act"; in lines 4, 5, and 13, insert a comma after "1977"; insert a comma after "shall" in line 5; in line 14 strike "d" and insert "(5) of this section"; in line 16 strike "Permanent employees who are" and insert "A permanent employee who, on July 1, 1977, is"; in line 17 strike "on July 1, 1977"; and in lines 18, 24, and 26, strike "c" and insert "(3) of this section".

3. Renumber original section 22 as section 23 and original section 23 as section 25.

4. Insert a new section to read:

"Sec. 24. 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 the title line 5, insert "to provide severability;" after the semicolon.

(Signed) Samuel K. Cullan, Chairman

EXPLANATION OF VOTE

If I had been present I would have voted aye on L.B. 7.

(Signed) Shirley Marsh

MOTION—Introduce Bill

Mr. Dworak moved the introduction of a new bill by the Committee on Miscellaneous Subjects on Sunday horseracing. (Req. No. 730)

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Mr. Dworak moved for a Call of the House. The motion prevailed with 19 ayes, 8 nays, and 22 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Boughn	Clark	Cullan	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hefner	Kahle	Kelly	Lamb	F. Lewis
R. Lewis	Maresh	Marsh	Mills	Moylan
Murphy	Newell	Nichol	Reutzel	Savage
Schmit	Simon			

Voting in the negative, 15:

Carsten	Chambers	Cope	Hasebroock	Keyes
Koch	Kremer	Labedz	Marvel	Maxey
Merz	Rasmussen	Rumery	Stoney	Venditte

Present and not voting, 2:

Burrows	Fitzgerald

Excused and not voting, 5:

Bereuter	Brennan	Luedtke	Swigart	Warner

The motion to introduce the new bill lost with 27 ayes, 15 nays, 2 present and not voting, and 5 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

MOTION–Introduce Bill

Mr. Dworak moved the introduction of a new bill by the Committee on Miscellaneous Subjects. (Req. No. 881)

Motion pending.

UNANIMOUS CONSENT–Bracket LB 33

Mr. Koch asked unanimous consent to bracket LB 33 until May 2, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Members Excused

Mr. Kremer asked unanimous consent to be excused for the remainder of the week. No objections. So ordered.

Mr. F. Lewis and Mrs. Maxey asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 20 fifth grade students, teachers, and sponsors from Hebron, Nebraska; 17 fifth grade students from Meridian School, Daykin, Nebraska; 24 Junior Hi students and sponsor from Axtell, Kansas; Mr. and Mrs. Ray Kramer from Thedford, Nebraska; 47 fourth grade students and sponsors from Geneva, Nebraska; 48 eighth grade students and sponsors from Cairo, Nebraska; 36 seniors and sponsor from Axtell, Kansas; 19 fifth grade students and sponsor from Hebron, Nebraska; and 23 fifth and sixth grade studnets and sponsor from Bruning, Nebraska.

RECESS

At 12:01 p.m., on a motion by Mr. Marvel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Mr. Barnett presiding.

ROLL CALL

The roll call was called and all members were present except Mrs. Maxey, Messrs. Bereuter, Brennan, Clark, Fitzgerald, Hefner, Kremer, Luedtke, F. Lewis, Rasmussen, and Warner who were excused; Mrs. Labedz, Messrs. Dworak, Marvel, Mills, Reutzel, and Simon who were excused until they arrive; Mr. Fowler who was absent until 1:50 p.m.; Mr. Duis who was absent until 1:55 p.m.; and Mr. Chambers who was absent until 2:05 p.m.

UNANIMOUS CONSENT—Print Amendment to LB 518

Mr. Koch asked unanimous consent to print the following amendment to LB 518 in the Journal. No objections. So ordered.

AMENDMENT TO LB 518

1. On page 3, after line 4 insert "Such funds available for payment under this section shall be distributed according to the following formula: (1) Thirty per cent of such funds shall be distributed to counties on an amount-per-capita of population basis, which funds shall be paid out first; (2) seventy per cent of such funds shall be distributed to the counties on the basis of personal property exempted in such county, which funds shall be paid only after the preceding funds have been fully paid. If funds in the Personal Property Relief Fund are insufficient to fully satisfy such formula, the funds authorized for distribution under subdivision (2) shall be prorated on the basis of available revenue.".

UNANIMOUS CONSENT—Hold Motion

Mr. Dworak asked unanimous consent to have his pending motion found in this day's Journal to introduce a new bill (Req. No. 881) laid over. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 344A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 246. E & R amendments found in the Journal on page 1626 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 209. E & R amendments found in the Journal on page 1626 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 338. E & R amendments found in the Journal on page 1626 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 384. E & R amendments found in the Journal on page 1627 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment with 26 ayes, 2 nays, 4 present and not voting, 3 absent and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 517. E & R amendments found in the Journal on page 1627 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 517A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 524. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 450. E & R amendments found in the Journal on page 1627 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 450A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 349. E & R amendments found in the Journal on page 1627 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 520. E & R amendments found in the Journal on page 1628 for the Seventieth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 398. Mr. Cullan requested a machine vote to advance LB 398 to E & R Final.

Mr. Kahle moved for a Call of the House. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

Advanced to E & R for Engrossment with 25 ayes, 4 nays, 4 present and not voting, 2 absent and not voting, and 14 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused beginning May 23, 1977. No objections. So ordered.

MOTION—Return LB 398 to Select File

Mr. Dworak moved to return LB 398 to Select File for the following specific amendment:

I move to amend the Newell amendment to LB 398 which appears on Page 1262 of the April 5, 1977 Journal by - Line 10, delete the (.) and add

"nor shall such employee at any time use any equipment, material, or office space belonging to or under the control of the State of Nebraska or any political subdivision thereof for the purpose of engaging in political activity, including the support of or opposition to any candidate for political office. A person violating this section shall be guillty of a misdemeanor and be fined not more than $500.00 nor less than $100.00.

PRESIDENT WHELAN PRESIDING

Mr. Barnett asked unanimous consent to be excused the balance of the afternoon. No objections. So ordered.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 0 nays, and 27 not voting.

Mr. Dworak moved for a Call of the House. The motion prevailed with 17 ayes, 6 nays, and 26 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 22:

Burrows	Carsten	Cope	Cullan	DeCamp
Dworak	Fitzgerald	George	Hasebroock	Kahle
Lamb	Maresh	Mills	Murphy	Newell
Nichol	Rumery	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 8:

Boughn	Goodrich	Keyes	Koch	Marsh
Marvel	Moylan	Savage		

Present and not voting, 6:

Chambers	Duis	Fowler	Kelly	R. Lewis
Merz				

Excused and not voting, 13:

Barnett	Bereuter	Brennan	Clark	Hefner
Kremer	Labedz	F. Lewis	Luedtke	Maxey
Rasmussen	Reutzel	Warner		

The motion to return LB 398 lost with 22 ayes, 8 nays, 6 present and not voting, and 13 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

UNANIMOUS CONSENT–Members Excused

Messrs. Hasebroock and Savage asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

MOTION–Return LB 398 to Select File

Mrs. Marsh moved to return LB 398 to Select File for the following specific amendment:

Strike the Newell amendment found on Page 1262 which was adopted 4/14/77.

Mrs. Marsh moved for a Call of the House. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mrs. Marsh requested a roll call vote.

Voting in the affirmative, 20:

Boughn	Carsten	Cope	Cullan	Duis
George	Hasebroock	Kahle	Kelly	Lamb
R. Lewis	Maresh	Marsh	Marvel	Murphy
Nichol	Rumery	Schmit	Stoney	Venditte

Voting in the negative, 11:

Burrows	Chambers	Fowler	Goodrich	Keyes
Koch	Mills	Moylan	Newell	Reutzel
Simon				

Present and not voting, 5:

DeCamp	Dworak	Merz	Savage	Swigart

Excused and not voting, 13:

Barnett	Bereuter	Brennan	Clark	Fitzgerald
Hefner	Kremer	Labedz	F. Lewis	Luedtke
Maxey	Rasmussen	Warner		

The motion to return LB 398 lost with 20 ayes, 11 nays, 5 present and not voting, and 13 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

UNANIMOUS CONSENT—Print Amendment to LB 361

Mr. Maresh asked unanimous consent to print the following amendments to LB 361 in the Journal. No objections. So ordered.

(1) Amendment to LB 361
Amend LB 361 by adding subsection (4) to Sec. 6 on page 11, stating: (4) The same provisions of subsection (3) shall apply after Jan 1 1980 for those reapplying for a brokers license.

(2) Amendment to LB 361
Amend the Committee amendments to LB 361 by striking all new language on page 10 and reinstating all old language on page 10.

BILL ON FIRST READING

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

LEGISLATIVE BILL 263A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, Eighty-fifth Legislature, First Session, 1977.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 223. Placed on General File as amended.
Standing Committee amendments to LB 223:
1. Strike original sections 1 and 2 and insert:
"Section 1. Any person who shall operate or be in the actual physical control of any motor vehicle, while under the influence of alcoholic liquor or of any drug or while having ten hundredths of one per cent by weight of alcohol in his or her body fluid as shown by chemical

analysis of his blood, breath, or urine, and who shall be involved in any personal injury accident, shall be punished as follows:

(1) If such conviction is for a first offense, such person shall be imprisoned in the county jail for not more than one year, or shall be fined not more than one thousand dollars, or both so fined and imprisoned, and the court may, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of six months from the date of his final discharge from the county jail, or the date of payment or satisfaction of such fine, whichever is the later, and may order that the operator's license of such person be revoked for a like period.

(2) If such conviction is for a second offense such person shall be guilty of a felony and shall be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than five years and the court may, as part of the penalty, order such person not to drive any motor vehicle for a period of one year from the date of his final discharge from the Nebraska Penal and Correctional Complex, and may order that the operator's license of such person be revoked for a like period.

(Signed) William E. Nichol, Vice Chairman

Business and Labor

LEGISLATIVE BILL 525. Indefinitely postponed.

(Signed) Richard Maresh, Chairman

SELECT FILE

LEGISLATIVE BILL 182. E & R amendments found in the Journal on page 1628 for the Seventieth Day were adopted.

Mr. DeCamp renewed his pending amendments found in the Journal on page 1635.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The DeCamp amendment was adopted with 28 ayes, 1 nay, 7 present and not voting, and 13 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

Mr. Simon re-offered his amendment found in the Journal on page 1592.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 7 nays, and 20 not voting.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?"

Mr. Schmit moved for a Call of the House. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

Mr. Goodrich moved the Call be raised. The motion lost with 10 ayes, 11 nays, and 28 not voting.

The motion to close debate prevailed with 26 ayes, 5 nays, and 18 not voting.

The Simon amendment lost with 8 ayes, 20 nays, 6 present and not voting, and 15 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 19 ayes, 4 nays, and 26 not voting.

Advanced to E & R for Engrossment.

LETTER FROM ATTORNEY GENERAL

April 26, 1977

Re: LB 72

Dear Senator Marsh:

You have asked whether the guidelines in LB 72, passed with the emergency clause and signed by the Governor, apply when a birth certificate is amended as well as to the initial filing of a birth certificate. If not, you would like to introduce corrective legislation which will accomplish that purpose.

LB 72 gives directions for recording the name of the father and the surname of the child in four different situations: if the mother is married, if she is not married, if paternity is determined by a court and in all other cases. LB 72 does not set out new ways of filing or amending a birth certificate but makes its guidelines apply to birth certificates "filled out

and filed pursuant to sections 71-601 to 71-648, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto." Those sections include not only provisions for filling out a birth certificate and filing it within five days of the birth. They also include provisions for delayed registration of a birth and for amending a birth certificate already on file.

We have concluded that the guidelines in LB 72 are to be followed not only in making the initial filing of the birth certificate but also in making any amendments permitted by sections 71-601 to 71-648.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Marilyn B. Hutchinson
Assistant Attorney General

MBH:pjf
cc: Mr. Vincent D. Brown
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 66.

Introduced by Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Goodrich, 20th District; Mills, 44th District; Fowler, 27th District.

WHEREAS, the Nebraska Retirement Systems Committee deals with legislation of a complex nature relating to public employee retirement systems in Nebraska; and

WHEREAS, numerous bills have been introduced during the past legislative session seeking a cost-of-living provision for various systems; and

WHEREAS, public safety employees across the state are seeking uniformity in retirement programs which are not administered by the state but for which statutory authority is required; and

WHEREAS, all of these changes and improvements in retirement systems for any public employee group require indepth analysis and evaluation; and

WHEREAS, no changes in systems can be made without full study of long-range fiscal impact on Nebraska taxpayers.

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

1. That the Nebraska Retirement Systems Committee will conduct an interim study with regard to improvements in public employee retirement systems.

2. That the committee will review a retirement program which would

address uniformity for all public employees in the state with particular attention to public safety employees.

3. That the committee will meet with municipalities across the state in regard to improvements which might be proposed for public safety employees to determine fair and equitable benefits at reasonable cost.

4. That unfunded liabilities in retirement systems in municipalities and political subdivisions will be evaluated, to determine if a feasible approach to sound funding could be established.

5. That cost-of-living provisions will be studied and evaluated by the committee.

6. That the committee will compile a report on their studies and present it to the full Legislature in December 1977.

7. That the committee will introduce legislation to correct inequities which may be found or to implement programs which may be deemed meritorious.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. DeCamp asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. Insert two new sections to read:

"Sec. 9. In order to insure that each county receives all the personal property tax revenue to which such county is entitled, the purpose of this section is to reaffirm that no person shall avoid payment of personal property taxes because personal property of such person is located within lands ceded to the United States under Laws 1883, c. 90. Such taxes shall be paid by the person in the same manner as if such personal property were not located within such lands. Any personal property of a person which, for any reason, has not been assessed or has escaped taxation for any former year or years when such property was liable to taxation, shall be assessed at the same rate as imposed upon the property in the governmental subdivision of the state in which the property should have been returned for taxation. Such tax shall be assessed for each year the tax should have been listed and shall be assessed equal to the assessment that would have been charged against such property had it been properly listed and assessed.

Sec. 10. In distributing the funds appropriated to the Personal Property Tax Relief Fund the amount of tax revenue lost to local subdivisions of government

because of the exemptions allowed for business inventories under section 77-1226.01 shall be given the same consideration as the lost revenue because of the exemptions provided for in this act.".

2. Renumber original section 9 as section 11.

UNANIMOUS CONSENT—Print Amendments to LB 390

Mr. George asked unanimous consent to print the following amendments to LB 390 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 390

1. Insert one new section as follows:

"Sec. 2. A grower who has sold wheat and has the excise tax required by section 1 of this act deducted from the sale price may, by written application to the department, secure a refund of any amount of excise tax in excess of five dollars which has been deducted. The grower shall not be eligible for the refund after thirty days from the date of deduction. The refund shall be payable by the department within sixty days after the deduction. Each application for refund by a grower shall have attached thereto proof of the assessment deducted.".

2. Renumber original section 2 as section 3.

GENERAL FILE

LEGISLATIVE BILL 131. Considered.

Mr. DeCamp offered the following amendment:

1. Strike original sections 1 to 4 and the DeCamp Amendments adopted 4/27/77, and insert:

"Section 1. The Nebraska Legislature hereby determines that ad valorem taxes are important to the effectiveness of all levels of local government. There are many and varied districts levying ad valorem taxes which overlap assessment districts. The effective administration of ad valorem taxes necessitates equality of assessment in various counties which are the assessment districts. The purposes of sections 1 to 8 of this act are to achieve equalization among the several counties while not causing unfair fluctuations in valuation and taxes so as to more adequately insure equality in taxation.

Sec. 2. Each county shall reappraise all lands and improvements in such county on or before January 1, 1978.

The Tax Commissioner shall by rule establish standards for such reappraisal. The standards shall be such as to insure the determination of actual value on a consistent basis in accordance with the formula prescribed in section 77-112, Revised Statutes Supplement, 1976.

Sec. 3. No reappraisal shall be valid until approved by the Tax Commissioner. When the Tax Commissioner shall determine that the reappraisal has been completed he or she shall so certify such determination to the county officials which undertook such reappraisal. The values established pursuant to such undertaking shall be used for purposes of property taxation of all property so appraised. Each property owner shall be notified of the valuations to be used in the manner required by section 77-1315, Reissue Revised Statutes of Nebraska, 1943.

Sec. 4. Any taxpayer aggrieved by a reappraisal as approved by the Tax Commissioner may file an appeal in the district court of the county in which the property reappraised is located within thirty days after the date of the approval of the reappraisal by the Tax Commissioner. All appeals shall be taken as provided in Chapter 84, article 9. The Tax Commissioner shall cause to be advertised the fact of such approval in a paper of general circulation in the county. The thirty-day appeal period shall run from the first day of such publication.

Sec. 5. Counties may enter into reappraisal contracts or agreements for such reappraisal as provided in Chapter 77, article 13.

Sec. 6. The Tax Commissioner shall notify the State Treasurer of each county which does not reappraise property pursuant to section 2 of this act. If a county does not reappraise prior to January 1, 1978, ninety per cent of the money to which such county would be entitled under the Personal Property Tax Relief Fund as provided in section 77-202.30, Revised Statutes Supplement, 1976, shall be distributed to such county and ten per cent shall be ffeited to the state. If a county does not reappraise its lands and improvements prior to January 1, 1979, eighty per cent of the money to which such county would be entitled under the Personal Property Tax Relief Fund as provided in section 77-202.30, Revised Statutes Supplement, 1976, shall be distributed to the county and twenty per cent of such money shall be forfeited to the state. If a county does not reappraise its lands and improvements prior to January 1, 1980, and for each year after such date for which a reappraisal has not been completed, fifty per cent of the money to which such county

would be entitled under the Personal Property Tax Relief Fund as provided in section 77-202.30, Revised Statutes Supplement, 1976, shall be distributed to the county and fifty per cent of such money shall be forfeited to the state.

Sec. 7. Every political subdivision authorized to levy a tax shall adjust that portion of its budget for operating and maintenance purposes for the upcoming fiscal year so as not to exceed seven per cent of the previous year's budget funded by ad valorem taxes or the average increase by percentage for the three such preceding budgets, whichever is greater. When determining the budget to be funded by ad valorem taxes pursuant to this section, every such political subdivision (1) may increase such budget limit otherwise established pursuant to this section by the amount of receipts lost or to be lost from any state sources and (2) shall reduce such budget limitation established pursuant to this section by the amount of increased receipts from state sources.

Sec. 8. (1) If the governing body of any political subdivision authorized to levy a tax determines that a budget funded from ad valorem taxes higher than is permitted by section 7 of this act is needed, it shall after completing the budget process required by statute hold a public meeting to receive input from the public regarding the advisability of exceeding the limits prescribed by section 7 of this act. Such public meeting shall be advertised and conducted in the same manner as public hearings required for the adoption of the budget.

(2) The hearing and decisions required by this section shall be held during the month of August in the year in which the budget is to be adopted.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.

Sec. 10. Since an emergency exists, this act shall be in full force and take effect, form and after its passage and approval, according to law.".

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

Advanced to E & R for Review with 25 ayes, 4 nays, 6 present and not voting, and 14 excused and not voting.

VISITORS

The President introduced 3 eighth grade students from Emmanuel Lutheran and Mr. & Mrs. M. Dehming from Hooper, Nebraska; 31 seventh and eighth grade students and sponsor from Marquette, Nebraska; 47 fifth and sixth grade students and sponsors from Elgin, Nebraska; 36 sixth grade students and sponsors from Beatrice, Nebraska; and Mr. & Mrs. Jack Wagner, sister of Senator Kahle, from Arapahoe, Nebraska.

ADJOURNMENT

At 4:12 p.m., on a motion by Mr. DeCamp, the Legislature adjourned until 9:00 a.m., Thursday, April 28, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SECOND DAY—APRIL 28, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 28, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we wish to thank You for the blessings and favors that You have bestowed on us. We are thankful for the stamina you have given us. We thank You for each other, friendships, example, yes and even, criticism we receive.
>
> We thank You for our homes and families, our churches and our schools. We thank You for children who can laugh and do. We thank You for doctors who are considerate.
>
> We thank You for our government and its leaders, and especially today we pray for the courage to successfully face those difficult and complex situations which can be turned into greater and challenging opportunities. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, DeCamp, Fitzgerald, Kremer and Mills were excused; Messrs. Venditte and Warner who were excused until they arrive; and Mr. Chambers who was absent.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-First Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 162. Replaced on Select File as amended.
E & R amendments to LB 162:

1. In the Newell amendments, page 1, line 3, insert "sections 1 to 19 of" after "of"; and in line 13, strike "includes" and insert "shall mean".

2. In the Newell amendments, page 2, line 12, strike the comma and show stricken; and in line 23 insert an underscored comma after "license".

3. In the Newell amendments, page 6, line 13, strike the comma and insert "~~,~~ and".

4. In the Newell amendments, page 8, line 9, insert "48-508 and 48-510 to" after the second "to".

5. In the Newell amendments, page 13, line 4, strike "such company" and insert "the prospective employer".

6. In the Newell amendments, page 14, line 9, insert "by the private employment agency" after "refunded"; and in line 10 insert an underscored period after "demand" and strike the rest of the line showing old matter stricken.

7. In the title, line 2, insert "relating to labor;" after "ACT", and after "sections" insert "48-503 to 48-508, 48-510 to 48-513, 48-515, 48-516, 48-518 to 48-521, 48-523, 48-524,"; in line 4 strike the second comma and insert a semicolon; strike beginning with "relating" in line 4 through the first semicolon in line 6; in line 6 strike "a term" and insert "terms"; at the end of line 6 insert "to change provisions for regulation of private employment agencies;"; in line 8 strike "commission" and insert "Equal Opportunity Commission"; and in line 11 insert "and also sections 48-501, 48-502, and 48-522, Reissue Revised Statutes of Nebraska, 1943" after "sections".

LEGISLATIVE BILL 530. Replaced on Select File as amended.
E & R amendment to LB 530:

1. Renumber the new section added by the Koch amendments as section 30 and original sections 29 and 30 as sections 31 and 33, and new section 31 added by committee amendments as section 32.

LEGISLATIVE BILL 427. Replaced on Select File as amended.
E & R amendments to LB 427:

1. Renumber new section 1 added by the Keyes amendments as section 2, new section 2 added by the Luedtke amendments as section 3, and new section 2 added by the F. Lewis amendment as section 4.

2. Strike the Luedtke amendments 2 and 3, the Keyes amendments 2 and 3, and E&R 1 adopted 4/26.

3. In the F. Lewis amendments, page 2, line 2, strike "is" and insert "and sections 39-6,177 and 39-6,185, Revised Statutes Supplement, 1976, are".

4. In the title, strike lines 2 to 5 and insert:

"FOR AN ACT to amend section 39-6,150, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,177 and 39-6,185, Revised Statutes Supplement, 1976, relating to rules of the road; to provide additional vehicles that may display flashing or rotating amber lights; to provide for a change of configuration of vehicles without penalty; to provide an additional width exception; and to repeal the original sections.".

LEGISLATIVE BILL 38. Placed on Select File as amended.

E & R amendments to LB 38:

1. In the Barnett amendment to page 2, strike the period.

2. In line 2 of the DeCamp amendment to page 25, strike the second comma.

3. Because of the DeCamp amendments found on pages 741 and 742 of the Journal, strike the DeCamp amendment found on page 727 of the Journal.

4. In lieu of the other amendments thereto, on page 28, line 18, insert "or written statement" after "consent" and strike "or 49".

5. In lieu of the Burrows amendment, on page 38, line 2, strike "growing,".

6. Strike all amendments renumbering sections and changing internal reference to section numbers.

7. Renumber original sections 50 to 77 as sections 49 to 76, original sections 79 to 89 as sections 77 to 87, original sections 91 to 124 as amended as sections 88 to 121, original sections 126 to 218 as sections 122 to 214, original sections 237 to 305 as sections 215 to 283, new section 306 added by the Barnett amendment as section 284, original sections 306 to 312 as sections 285 to 291, original sections 314 to 342 as sections 292 to 320, new sections added by the Bereuter amendments as sections 321 to 324, and original sections 343 to 346 as sections 325 to 328.

8. On page 2, line 3, strike "342" and insert "320".

9. On page 5, line 24, strike the first comma.

10. Insert the Barnett amendment to page 13, line 1, as a new paragraph after line 1.

11. On page 16, line 26, strike "due to".

12. In the Chambers amendments to page 20, insert the proviso after "premises" in line 15; in line 1 of the proviso strike "Provided," and insert "; Provided,"; and in the last line strike the period.

13. In the Murphy amendment to page 23, insert "(3)" before "Any".

14. On page 24, line 18, strike "61" and insert "60".

15. In line 2 of the DeCamp amendment 6 found on page 700 of the Journal, strike the second comma.

16. On page 25, line 11, strike the first comma; and in line 19 strike "61" and insert "60".

17. On page 29, line 18, strike "54" and insert "53"; and in line 22, strike "61" and insert "60".

18. On page 31, line 21, strike "59" and insert "58".

19. On page 32, line 25, strike "66" and insert "65".

20. On page 40, line 3, strike "66" and insert "65".

21. On page 48, line 24, strike "62 to 102" and insert "61 to 99".

22. On page 50, line 26, strike "66" and insert "65".

23. On page 51, line 15, insert a comma after "state"; and in line 25, strike "66" and insert "65".

24. On page 52, line 3, strike "66" and insert "65"; in line 11 strike "70" and insert "69"; and in line 27 strike "69" and insert "68".

25. In lines 3 and 5 of the Barnett amendment to page 53, and on page 53, line 21, strike "69" and insert "68".

26. On page 54, line 26, strike "69" and insert "68".

27. On page 55, line 17, strike "66" and insert "65".

28. On page 56, line 8, strike "66" and insert "65".

29. On page 61, lines 10 and 21, strike "66" and insert "65".

30. On page 62, lines 5, 15, and 26, and page 63, lines 12 and 18, strike "66" and insert "65".

31. On page 64, lines 3, 13, and 18, strike "66" and insert "65"; and in line 7 strike "74" and insert "73".

32. On page 65, line 5, strike "66" and insert "65".

33. On page 66, line 6, strike "75" and insert "74"; and in lines 22 and 24 strike "66" and insert "65".

34. In lieu of the Venditte amendment to page 67, in line 11, strike "I misdemeanor" and insert "IV felony".

35. On page 67, line 12, reinstate "(6)".

36. On page 68, line 18, strike "67" and insert "66"; and in lines 18 and 19, strike "75" and insert "74".

37. On page 70, line 15, strike "66" and insert "65"; and in line 17, strike "74" and insert "73".

38. On page 72, lines 1, 11, and 16, strike "81 to 86" and insert "79 to 84"; in line 8 strike "78" and insert "79"; in line 13 strike "81 and 82" and. insert "79 and 80"; in line 21, strike "81" and insert "79"; and in line 27, strike "81, 82, or 84" and insert "79, 80, or 82".

39. On page 73, line 3, strike "81, 82, 84, or 85" and insert "79, 80, 82, or 83".

40. In line 4 of the Chambers amendment to page 78, insert a comma after "disbursements"; in line 5 insert "Nebraska State Patrol" after "the"; in line 6 insert a comma after "1978"; insert "Nebraska" after "the" in lines 6 and 7; insert a colon at the end of line 10 and insert line 11 immediately thereafter; and in line 12 insert "to include" after "expenditures" and strike "and/or" and insert "and any".

41. In line 3 of the Barnett amendment to page 79, insert a comma after "courts".

42. In line 1 of the Barnett amendment to page 83, insert a comma after "If"; and in line 6 strike "then".

43. On page 88, line 27, strike "66" and insert "65".

44. On page 93, line 6, strike "111 to 120" and insert "108 to 117".

45. On page 95, line 16, strike "111 to 120" and insert "108 to 117".

46. In line 5 of the Barentt amendment to page 98, strike "120" and insert "117".

47. In renumbered section 121, numbered line 10, strike "122 and 123" and insert "119 and 120"; in numbered line 12, strike "122" and insert "119"; strike the comma in numbered lines 18 and 21; in numbered line 20, insert "a" after "with"; and strike "vessels" and insert "vessel"; and in numbered line 22 strike "their vessels" and insert "the vessel".

48. On page 103, line 19, strike "127 to 131" and insert "123 to 127".

49. On page 106, line 25, strike "128 or 129" and insert "124 or 125".

50. On page 107, line 2, strike "128" and insert "124"; and in lines 5, 9, and 13, strike "129" and insert "125".

51. On page 116, line 18, strike "142 to 144" and insert "138 to 140".

52. On page 118, line 22, strike "150" and insert "146".

53. On page 122, line 4, strike "154 to 161" and insert "150 to 157".

54. In line 2 of the Barnett amendment to page 123, strike "151 and 152" and insert "147 and 148".

55. On page 125, lines 6 and 24, strike "154 to 161" and insert "150 to 157".

56. On page 126, lines 4 and 6, strike "154 to 161" and insert "150 to 157"; and in line 25 strike the first comma and insert "or".

57. In the Barnett amendment to page 126, line 7, strike the second comma and insert a period.

58. On page 127, line 8, strike "(f)" and insert "(d)"; and in line 12, strike the comma and insert "or".

59. On page 128, line 18, strike the second comma.

60. On page 129, line 22, strike "168 to 190" and insert "164 to 186".

61. On page 131, lines 21 and 22, strike "168 to 190" and insert "164 to 186".

62. On page 134, line 5, strike "169 and 170" and insert "165 and 166"; in line 22 strike "176" and insert "172"; and in line 26, strike "169 or 170" and insert "165 or 166".

63. On page 135, lines 4 and 13, strike "170" and insert "166"; in lines 7 and 23, strike "169 or 170" and insert "165 or 166"; in line 10 strike "169" and insert "165"; in lines 17 and 18, strike "168 to 190" and insert "164 to 186"; and in line 25 strike "172" and insert "168".

64. On page 137, lines 15 and 23, strike "168 to 190" and insert "164 to 186".

65. On page 138, line 4, strike "174" and insert "170".

66. On page 139, lines 1, 10, and 15, strike "168 to 190" and insert "164 to 186".

67. On page 140, line 9, strike "177 to 179" and insert "173 to 175".

68. On page 141, line 7, strike "169" and insert "165"; and in line 19, strike "168 to 190" and insert "164 to 186".

69. On page 142, lines 3 and 7, strike "177 to 179" and insert "173 to 175"; and in lines 9, 14, and 16, strike "168 to 190" and insert "164 to 186".

70. On page 143, line 19, strike "168 to 190" and insert "164 to 186".

71. On page 144, lines 20 and 23, strike "168 to 190" and insert "164 to 186".

72. On page 145, line 17, strike "168 to 190" and insert "164 to 186"; and in line 22 strike "184" and insert "180".

73. On page 146, lines 1, 10, and 27, and page 147, line 21, strike "168 to 190" and insert "164 to 186".

74. On page 148, lines 2, 6, 11 and 12, and 15, strike "168 to 190" and insert "164 to 186".

75. On page 158, line 17, strike "206 to 213" and insert "202 to 209".

76. On page 180, lines 1 and 7, strike "238" and insert "216".

77. On page 186, lines 21 and 22, strike "244 or 245" and insert "222 or 223"; and in line 27, strike "244 and 245" and insert "222 and 223".

78. On page 189, line 16, strike "256 to 267" and insert "234 to 245".

79. On page 191, line 18, strike "issue" and insert "issuance".

80. On page 193, line 27, strike "264" and insert "242".

81. On page 195, line 4, strike "258, 261, or 262" and insert "236, 239, or 240"; and in line 11 strike "268 to 294" and insert "246 to 272".

82. On page 196, line 1, strike "296" and insert "274".

83. On page 198, lines 2 and 7, strike "268 to 294" and insert "246 to 272".

84. On page 199, line 15, strike "270" and insert "248".

85. On page 201, line 2, strike "268 to 294" and insert "246 to 272"; and in line 12 strike "268" and insert "246".

86. On page 204, lines 10 and 11, strike "268 to 281" and insert "246 to 259"; and in line 12 strike "268 to 294" and insert "246 to 272".

87. On page 205, line 2, strike "280" and insert "258".

88. On page 206, lines 3, 14, and 21, and page 207, lines 6 and 13, strike "268 to 294" and insert "246 to 272".

89. On page 208, line 10, strike "268 to 294" and insert "246 to 272".

90. On page 210, line 4, strike "284" and insert "262"; and in line 25 strike "268 to 294" and insert "246 to 272".

91. On page 211, line 10 and lines 25 and 26, strike "268 to 294" and insert "246 to 272".

92. On page 212, lines 3, 5, 11, and 17, and page 213, lines 4 and 26, strike "268 to 294" and insert "246 to 272".

93. On page 214, lines 6, 8, and 18, and page 215, line 2, strike "268 to 294" and insert "246 to 272".

94. On page 217, line 4, strike "296 to 306" and insert "274 to 285".

95. On page 218, line 4, strike "302" and insert "280".

96. On page 219, line 1, strike "300" and insert "278"; in line 5 strike "299" and insert "277"; and in line 14, strike "296" and insert "274".

97. On page 220, lines 22 and 24, strike "296" and insert "274".

98. On page 221, lines 4, 9, and 11, strike "296 to 306" and insert "274 to 285"; and in line 24 strike "299 to 304" and insert "277 to 282".

99. On page 222, lines 4, 14, and 21, strike "299 to 304" and insert "277 to 282"; and in line 18 strike "296 to 306" and insert "274 to 285".

100. In new section 284, numbered line 3, insert a comma after "partnership"; in line 5 strike the comma; and in line 9 strike the semicolon.

101. On page 232, line 10, and page 233, line 4, strike "323" and insert "301".

102. On page 237, line 7, strike "324" and insert "302"; and in line 15 strike "325" and insert "303".

103. On page 239, line 14, strike "332" and insert "310".

104. On page 240, line 14, strike "330 to 333" and insert "308 to 311"; and in line 25, strike "330 or 332" and insert "308 or 309".

105. On page 241, line 17, strike "334" and insert "312"; and in line 19 strike "336 to 341" and insert "314 to 319".

106. On page 242, line 27, strike "336" and insert "314".

107. On page 243, line 1, strike "241" and insert "319"; and in lines 6, 16, and 25 strike "337" and insert "315".

108. On page 244, line 23, strike "336 to 341" and insert "314 to 319"; and in line 24 strike "338 or 339" and insert "316 to 317".

109. On page 245, line 6, strike "336 to 341" and insert "314 to 319".

110. In the Bereuter amendments, page 1, line 2, and page 2, line 16, strike "345 to 349" and insert "321 to 324".

111. In the Fowler amendment to the Bereuter amendment, insert "of the Legislative Council" after "Board".

112. On page 246, line 6, strike "345" and insert "327".

113. Because of the passage of Legislative Bill 17, Eighty-fifth Legislature, First Session, 1977, on page 112, after line 1, insert:

"(5) Any person convicted of violating this section may, in addition to being fined or imprisoned, be ordered to make restitution to the party injured for the value of the check, draft, order, or assignment of funds and any costs of filing with the county attorney. If the court shall in addition to sentencing any person to imprisonment under this section also enter an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.

(6) The fact that restitution to the party injured has been made and that any costs of filing with the county attorney have been paid shall be a mitigating factor in the imposition of punishment for any violation of this section.".

LEGISLATIVE BILL 38A. Placed on Select File as amended.
E & R amendments to LB 38A:

1. In the Bereuter amendment, line 1, insert "Sec. 2." before "There"; in line 4 insert "No." after "Agency"; and in line 6 strike "345 to 349" and insert "321 to 324".

LEGISLATIVE BILL 39. Placed on Select File as amended.
E & R amendments to LB 39:

1. On page 12, strike the new matter in lines 7 to 9.
2. On page 36, line 19, strike "act" and insert "section".
3. Strike section 75 and renumber sections 76 to 342 as sections 75 to 341.
4. On page 66, line 6, insert an underscored colon after "shall"; strike "be punished as follows:" in line 7, and strike "such person shall" in line 8 and in lines 14 and 15 and show all as stricken.
5. On page 69, strike beginning with "to" in line 24 through the semicolon in line 26 and show stricken.
6. On page 70, reinstate the stricken matter in line 2.

7. On page 108, line 20, strike the period; and in lines 21 and 22 reinstate "for each offense.".

8. On page 125, lines 7 and 8, strike "subject to the penalties provided for" and insert "~~subject to~~ guilty of".

9. On page 126, line 2, reinstate "shall".

10. On page 129, line 15, strike the semicolon and insert an underscored period.

11. On page 131, line 11, insert a comma after "charges" as in the statutes.

12. On page 142, insert an underscored comma at the end of line 15.

13. On page 143, line 5, strike the comma and show stricken.

14. On page 161, insert "It" after "~~it~~" and reinstate the remainder of the sentence.

15. On page 187, line 2, strike "all" and insert "each"; and in line 3, strike "offenses" and insert "offense".

16. On page 205, insert "guilty of a Class III misdemeanor." at the end of line 3 and strike lines 4 and 5 showing old matter stricken.

17. On page 235, line 11, strike "60-403.01,".

18. In the title, page 3, line 26, strike "60-403.01,".

LEGISLATIVE BILL 40. Placed on Select File as amended.
E & R amendments to LB 40:

1. On page 8, lines 11 and 12, strike "together with all costs of prosecution".

2. On page 22, strike line 8 and insert "~~dollars~~ for each offense. ~~, in the discretion of the court.~~".

3. On page 79, line 6, reinstate the old and strike the new matter.

4. On page 127, line 25, strike "guilty of forgery and" and show as stricken; and in line 26 strike "be" and show as stricken.

5. On page 162, strike the new and reinstate the stricken matter in lines 9 and 10; in line 9 strike "guilty of" and show stricken; and in line 11 reinstate "39-807" and immediately thereafter insert "shall be guilty of a Class V misdemeanor.".

6. On page 222, line 14, strike the comma and show stricken.

7. On page 238, lines 12 and 13, strike "In the discretion of the court" showing old matter stricken; and in line 13 strike "in" and insert "~~in~~ In".

8. On page 242, line 18, strike "act" and insert "section".

LEGISLATIVE BILL 41. Placed on Select File.

LEGISLATIVE BILL 518. Placed on Select File as amended.
E & R amendments to LB 518:

1. For correlation purposes, on page 2, line 2, insert ", as amended by section 1, Legislative Bill 514, Eighty-fifth Legislature, First Session, 1977" after "1976"; strike beginning with the first "~~to~~" in line 6 through the stricken comma in line 7; after the stricken matter in line 14 insert "~~Upon receipt of such notification, the Tax Commissioner shall prepare a voucher for each payment.~~"; after the period in line 21 insert "~~Such payments~~"; underscore beginning with "The" in line 21 through "Fund" in line 22; and on page 3, line 4, insert "~~and voucher~~" before the comma.

2. On page 4, line 4, strike "and section 1 of this act"; and in line 15 strike "and sections 2 and 3 of this act".

3. On page 5, line 4, and in the title, line 3, insert ", as amended by section 1, Legislative Bill 514, Eighty-fifth Legislature, First Session, 1977" after "1976".

Correctly Engrossed

The following bills were correctly engrossed: 161, 161A, 263, 486, 486A, and 516.

Correctly Enrolled

The following bill was correctly enrolled: LB 7.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: LB 7.

MOTION—Return LB 30 to Select File

Mr. Koch moved to return LB 30 to Select File for the DeCamp specific amendment:

Eliminate Sales Tax on food completely in 1979

Mr. Simon asked unanimous consent to lay the motion over until Tuesday, May 2, 1977.

Mr. Maresh objected.

Mr. Simon moved to bracket the bill until Monday, May 9, 1977.

Mr. Simon requested a roll call vote.

Voting in the affirmative, 21:

Bereuter	Boughn	Burrows	Cullan	Dworak
Fowler	Keyes	Koch	Lamb	F. Lewis
Luedtke	Marvel	Maxey	Murphy	Newell
Nichol	Reutzel	Savage	Schmit	Simon
Stoney				

Voting in the negative, 19:

Barnett	Carsten	Clark	Cope	Duis
Goodrich	Hasebroock	Hefner	Kahle	Kelly
R. Lewis	Maresh	Marsh	Merz	Moylan
Rasmussen	Rumery	Swigart	Venditte	

Present and not voting, 2:

George Labedz

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brennan	DeCamp	Fitzgerald	Kremer	Mills
Warner				

The motion to bracket lost with 21 ayes, 19 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. Koch moved to return LB 30 to Select File for the DeCamp specific amendment.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 13 nays, and 10 not voting.

The motion to return LB 30 lost with 15 ayes, 25 nays, 2 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Mr. F. Lewis moved to return LB 30 to Select File for the following specific amendment:

To return LB 30 to Select File and strike the enacting clause.

Mr. Swigart moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 13 nays, and 9 not voting.

The motion to return LB 30 lost with 9 ayes, 29 nays, 4 present and not voting, 1 absent and not voting, and 6 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 30.

A BILL FOR AN ACT to amend section 77-2715, Revised Statutes Supplement, 1976, relating to taxation; to authorize an increase in 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, 35:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	Duis	Dworak
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Labedz	Lamb R. Lewis	
Luedtke	Maresh	Marsh	Marvel	Merz
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Stoney	Swigart	Venditte

Voting in the negative, 7:

Fowler	Koch	F. Lewis	Maxey	Newell
Reutzel	Simon			

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brennan	DeCamp	Fitzgerald	Kremer	Mills
Warner				

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

LEGISLATIVE BILL 110.

A BILL FOR AN ACT to amend sections 2-2613, 2-2614, and 2-2616, Revised Statutes Supplement, 1976, relating to pesticides; to provide that an individual may use a pesticide classified for restricted use when under the supervision of a certified applicator; to clarify provisions; to provide requirements and classification for commercial applicators; to make a reappropriation; to provide duties; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	Duis	Dworak
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Moylan	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	

Voting in the negative, 2:

Fowler Newell

Present and not voting, 1:

Murphy

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brennan DeCamp Fitzgerald Kremer Mills
Warner

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

LEGISLATIVE BILL 238.

A BILL FOR AN ACT to amend sections 14-1732, 14-1733, 14-1737, and 14-1738, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the metropolitan class; to provide additional locations for off-street parking facilities; to provide for levying of assessments in parking districts; to prescribe the term of certain leases; to harmonize provisions; and to repeal the original sections, and also section 14-1736, 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	Dworak	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte

Voting in the negative, 0.

Present and not voting, 2:

Duis Koch

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brennan	DeCamp	Fitzgerald	Kremer	Mills
Warner				

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

LEGISLATIVE BILL 419. With Emergency.

A BILL FOR AN ACT to amend sections 60-311.10 and 60-311.12, Reissue Revised Statutes of Nebraska, 1943, and section 60-311.11, Revised Statutes Supplement, 1976, relating to motor vehicle registration; to authorize the issuance of prestige plates for commercial trucks as prescribed; to provide for the transfer of prestige plates; 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	Boughn	Burrows	Carsten Clark Cope
Clark	Cope	Cullan	Duis	Dworak
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte

Voting in the negative, 0.

Present and not voting, 2:

Koch Maxey

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brennan	DeCamp	Fitzgerald	Kremer	Mills
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 425.

A BILL FOR AN ACT to amend sections 43-512.01 and 43-512.03, Revised Statutes Supplement, 1976, and section 43-512, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 179, Eighty-fifth Legislature, First Session, 1977, relating to assistance for children; to revise procedures regarding investigations of applications for assistance; to confer certain powers and duties on county attorneys, 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, 31:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Duis	George	Hasebroock
Hefner	Kahle	Kelly	Keyes	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Murphy	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Venditte				

Voting in the negative, 10:

Cullan	Dworak	Fowler	Goodrich	Labedz
Lamb	Moylan	Newell	Stoney	Swigart

Present and not voting, 1:

Koch

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brennan	DeCamp	Fitzgerald	Kremer	Mills
Warner				

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

SELECT FILE

LEGISLATIVE BILL 91. E & R amendments found in the Journal on page 1659 for the Seventy-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 483. E & R amendments found in the Journal on page 1659 for the Seventy-First Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. E & R amendments found in the Journal on page 1659 for the Seventy-First Day were adopted.

Mr. Bereuter asked unanimous consent to have LB 531 laid over. No objections. So ordered.

LEGISLATIVE BILL 257. Mr. Bereuter asked unanimous consent to withdraw his pending amendment found in the Journal on page 1379. No objections. So ordered.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257A. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390. Mr. George renewed his pending amendment found in the Journal on page 1671.

Mr. George moved for a Call of the House. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Mr. George requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Bereuter	Burrows	Carsten	Clark
Cullan	Dworak	Fowler	George	Kelly
Koch	Labedz	Lamb	Luedtke	Marsh
Marvel	Moylan	Murphy	Nichol	Reutzel
Savage	Stoney	Swigart	Warner	

Voting in the negative, 17:

Boughn	Cope	Goodrich	Hasebroock	Hefner
Kahle	Keyes	F. Lewis	R. Lewis	Maresh
Merz	Newell	Rasmussen	Rumery	Schmit
Simon	Venditte			

Present and not voting, 2:

Duis Maxey

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Brennan DeCamp Fitzgerald Kremer Mills

The George amendment lost with 24 ayes, 17 nays, 2 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Carsten offered the following amendment to LB 390:

Add new section 2.

It is hereby required that a annual detailed report from the Wheat Commission be made to the Appropriations Committee of the State Legislature.

Renumber Sec. 2 as Sec. 3.

SPEAKER LUEDTKE PRESIDING

The Carsten amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Cullan asked unanimous consent to have LB 390 laid over.

Mr. R. Lewis objected.

Mr. Cullan moved to have LB 390 laid over.

Mr. Cullan withdrew his motion.

Mr. Cullan offered the following amendment:

AMENDMENTS TO LB 390

1. Insert new sections as follows:

"Section 1. With the exception of the ex officio members, seven members of the Nebraska Wheat Development, Utilization, and Marketing Committee shall be elected by

the wheat growers of the state. Such members shall be elected on a nonpartisan ballot and pay no filing fee.

Sec. 2. The following individuals shall be ex officio members of the Nebraska Wheat Development, Utilization, and Marketing Committee:

(1) The Director of Agriculture;

(2) The Dean of the University of Nebraska College of Agriculture; and

(3) The president of the Nebraska Grain Improvement Association.

Sec. 3. That section 2-2304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2304. ~~(1) With the exception of the ex officio members, the Governor shall appoint an advisory committee to be known as the Nebraska Wheat Development, Utilization, and Marketing Committee who shall advise and direct the Chief of the Division of Wheat Development, Utilization, and Marketing.~~

~~(2) The committee, referred to in subsection (1) of this section, shall be composed of seven members who (a) are citizens of Nebraska, (b) are at least twenty-five years of age, (c) have been actually engaged in growing wheat in this state for a period of at least five years, and (d) derive a substantial portion of their income from growing wheat, and also, as ex officio members without a vote on the committee, the Director of Agriculture, the Dean of the University of Nebraska College of Agriculture, and the president of the Nebraska Grain Improvement Association.~~

~~(3)~~ The seven ~~appointed~~ elected members of the committee shall be ~~appointed~~ elected from the following districts:

(a) District 1: The counties of Sioux, Scotts Bluff, Banner, Dawes, Box Butte, Morrill, Sheridan, Garden, Cherry, Grant, Hooker, Thomas, Arthur, and McPherson;

(b) District 2: The counties of Kimball, Cheyenne, Deuel, and Keith;

(c) District 3: The counties of Logan, Lincoln, Perkins, Chase, Dundy, Hayes, Hitchcock, and Frontier;

(d) District 4: The counties of Keya Paha, Brown, Rock, Boyd, Holt, Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Dawson, Buffalo, Hall, Gosper, Phelps, Red Willow, Furnas, Harlan, and Franklin;

(e) District 5: The counties of Knox, Cedar, Dixon, Dakota, Antelope, Pierce, Wayne, Thurston, Madison, Stanton, Cuming, Burt, Boone, Nance, Merrick, Platte, Colfax, Dodge, Washington, Butler, Saunders, Douglas, Sarpy, Seward, Lancaster, Cass, and Otoe;

(f) District 6: The counties of Polk, York, Hamilton, Kearney, Adams, Clay, Webster, and Nuckolls; and

(g) District 7: The counties of Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, and Richardson.

Sec. 5. Eligibility for nomination as a candidate for election to the committee shall be determined as follows:

(1) The individual shall reside in the district provided by section 3 of this act from which the individual seeks nomination;

(2) The individual shall be at least twenty-one years of age;

(3) The individual shall be a wheat grower; and

(4) The individual shall be a registered voter.

Sec. 6. On the first Thursday after the first Tuesday in January, 1979, the terms of the appointed members of the committee shall expire and the terms of the members elected as provided by this act shall begin.

Sec. 7. For purpose of carrying out the elections required by this act, a list of wheat growers of the state shall be provided by the grain elevators in the state and by the growers themselves. The director shall publish a statewide notice calling for all wheat growers to submit their names, addresses and amount of wheat produced.

Sec. 8. The Director of Agriculture shall provide notice of the election of members to the various districts. Such notice shall be by publication once each week for three consecutive weeks in a newspaper of general circulation in the district from which the member is to be elected.

Sec. 9. (1) Candidates may place their names on the ballot by filing petitions with the Department of Agriculture on or before August 10 of the election year. Petitions shall bear the signatures of not less than fifty qualified wheat growers of the district.

(2) The director shall print all election ballots.

(3) On or before August 25 of the election year, the Director of Agriculture shall mail ballots to each grower in each district. The ballots shall be returned

by such growers within fourteen days to the director designating the candidage of their choice for their district. One week thereafter, the director shall have the results of such election published in a newspaper of general circulation for each district. The director shall print the election certificates and shall issue such certificates to the elected board members.

(4) The terms of the initial elected board shall be as follows: The four candidates receiving the highest number of votes shall serve for four years, and the three candidates receiving the next highest number of votes shall serve for two years. After the initial terms of the first elected board have been completed, the term of each board member shall be four years.

Sec. 10. In printing the election ballots, the director shall provide beneath all candidates placed on the ballot by petition, a blank space into which electors may write the name of any person who is qualified according to the provisions of this act for whom they wish to vote.

Sec. 11. A vacancy on the committee shall exist in the event of the death, disability, resignation or removal from the district of any member or the elimination or detachment from the district of the territory in which a member resides. In the event of a vacancy from any of such causes, or otherwise, such vacancy shall be filled by the Governor. 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 Department of Agriculture.

Sec. 12. Members of the committee may be removed from office for the same reasons and in the same manner as provided by law for the removal of county officers.

Sec. 13. All election and recall election expenses shall be paid from the Nebraska Wheat Development, Utilization, and Marketing Fund.".

2. Renumber original section 1 as section 4.

3. On page 2, line 24, strike "section" and insert "section 2-2304 and"; and in line 25 strike "is" and insert "and also sections 2-2305 and 2-2307, Reissue Revised Statutes of Nebraska, 1943, are".

4. Renumber original section 2 as section 14.

Mr. Newell offered the following amendment to the Cullan amendment:
Amend the Cullan amendment to strike the age requirement and voter registration requirement.

The Newell amendment was adopted with 25 ayes, 7 nays, 11 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Maresh offered the following amendment to the Cullan amendment:
Amend the Cullan amendment to LB 390 in Sec. 13 starting in line 6 strike "Nebraska Wheat Development Utilization and Marketing Fund." and insert "Appropriations for the miscellaneous claims against the state"

Mr. Maresh moved for a Call of the House. The motion prevailed with 14 ayes, 8 nays, and 27 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 23 ayes, 2 nays, and 24 not voting.

The Maresh amendment lost with 17 ayes, 20 nays, 6 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 22 not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 15 ayes, 10 nays, and 24 not voting.

Mr. Cullan requested a roll call vote on his amendment, as amended.

Voting in the affirmative, 18:

Barnett	Bereuter	Carsten	Clark	Cope
Cullan	Dworak	George	Lamb	Luedtke
Marsh	Maxey	Moylan	Murphy	Nichol
Stoney	Swigart	Warner		

Voting in the negative, 24:

Boughn	Burrows	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Labedz	F. Lewis	R. Lewis	Maresh	Marvel
Merz	Newell	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Venditte	

Present and not voting, 1:

Duis

Absent and not voting, 1:

Chambers

Excused and not voting, 5:

Brennan DeCamp Fitzgerald Kremer Mills

The Cullan amendment, as amended, lost with 18 ayes, 24 nays, 1 present and not voting, 1 absent and not voting, and 5 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mrs. Marsh moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390A. Advanced to E & R for Engrossment.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will hold a hearing on the Legislative Council budget at 4:30 p.m., on Monday, May 2, 1977 in Room 1019.

EXPLANATION OF VOTE

Had I been present on April 27, 1977 I would have voted Aye on LB 7.

(Signed) Roland Luedtke

UNANIMOUS CONSENT—Member Excused

Mr. Simon asked unanimous consent to be excused Friday, April 29, 1977. No objections. So ordered.

RESOLUTION

LEGISLATION RESOLUTION 67.

Introduced by Miscellaneous Subjects Committee: Dworak, 22nd District, Chairman, F. Lewis, 45th District; Marvel, 33rd District; Clark, 47th District; Murphy, 17th District; Keyes, 3rd District; Newell, 13th 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 and 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; and

WHEREAS, an in-depth study has been conducted during the past two years by the Miscellaneous Subjects Committee; and

WHEREAS, the Miscellaneous Subjects Committee membership has changed significantly from the Eighty-Fourth Legislature.

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

1. That the Miscellaneous Subjects Committee conduct an interim study to review the results of the previous studies on the accessibility of criminal record information and other personal records and make recommendations to the Eighty-Fifth Legislature, Second Session.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. Goodrich asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. On page 2, line 19, strike "some of" and after "the" insert "total"; and strike lines 26 and 27 and show as stricken.

2. On page 3, strike beginning with "Administrative" in line 1 through the period in line 2 and show as stricken; in line 9 after "agency" insert "for the years 1978, 1979, and 1980"; in line 12, after the period insert "The amount of the funds to be received by each taxing agency for 1981 and each year thereafter shall be in the same proportion as the funds raised by each taxing agency's mill levy on real property bears to the total funds raised by the mill levies on real property of all taxing agencies."; and strike section 3.

3. Strike sections 5 and 7

4. On page 4, line 24, after "Fund" insert "for the years 1978, 1979, and 1980"; and in line 26 after "county" insert "in 1978, 1979, and 1980".

5. Insert a new section 6 as follows:

"Sec. 6. Beginning January 1, 1981 and each year thereafter, the Legislature shall appropriate the

same amount of funds as were appropriated for the year 1980, plus a percentage increase or decrease in funds as represents the total increase or decrease of sales tax and income tax receipts for that year over 1980. The money in the Personal Property Tax Relief Fund for the year 1981, and each year thereafter shall be distributed to the counties of the state as follows:

(1) Fifty per cent on the basis of the ratio of the population of the particular county to the population of the entire state as determined by the latest federal decennial census; and

(2) Fifty per cent on the basis of the ratio of the valuation of real estate in the entire state, as certified by the respective county assessors to the Tax Commissioner in the abstract of the assessment rolls and as equalized by the State Board of Equalization and Assessment.".

6. Renumber original sections 4, 6, and 8 as sections 3 to 5 respectively, and renumber original section 9 as section 7.

LEGISLATIVE BILL 290. E & R amendments found in the Journal on page 1602 for the Sixty-Ninth Day were adopted.

Messrs. Kelly and Rasmussen asked unanimous consent to withdraw their pending amendments found in the Journal on page 1610. No objections. So ordered.

Messrs. F. Lewis, Nichol, and Rasmussen asked unanimous consent to be excused. No objections. S. ordered.

Mrs. Labedz offered the following amendment:

AMENDMENTS TO LB 290

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

"Section 1. That section 1-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

1-114. The certificate of certified public accountant shall be granted by the board to any person (1) who is a resident of this state or has a place of business therein or, as an employee, is regularly employed therein, (2) who has attained the age of twenty-one years, (3) who is of good moral character, (4) ~~who has had four years of public accounting experience, satisfactory to the board, in any state, in practice as a certified public accountant or as a public accountant,~~

~~or, in any state, in employment as a staff accountant~~ by ~~anyone practicing~~ public accounting, ~~or any combination of either of such types of experience; Provided, that graduation from a college or university of recognized standing shall be considered as the equivalent of two years of the public accounting experience required by this section, or who has had experience gained through~~ employment by the federal ~~government as a special agent or an internal revenue agent in the Internal Revenue Service and who holds a degree from a college or university of recognized standing and is certified by a District Director of Internal Revenue as having at least three and one-half years of field experience as a special agent or internal revenue agent~~ who has graduated from a college or university of recognized standing, and (5) who shall have passed a written examination in theory of accounts, in accounting practice, in auditing, and in such other related subjects as the board shall determine to be appropriate.

Sec. 2. That section 1-124, Revised Statutes Supplement, 1976, be amended to read as follows:

1-124. The board may, in its discretion, waive the examination under the provisions of subdivision (5) of section 1-114, and may issue a certificate as a certified public accountant to any person possessing the qualifications specified in subdivisions (1), (2), and (3) of section 1-114 and what the board determines to be substantially the equivalent of the applicable qualifications under ~~the provisions of subdivision (4) of section 1-114~~ section 3 of this act, who is the holder of a certificate as a certified public accountant, then in full force and effect, issued under the laws of any state, or is the holder of a certificate, license, or degree in a foreign country constituting a recognized qualification for the practice of public accounting in such country, comparable to that of a certified public accountant of this state, which is then in full force and effect. The board shall charge each person obtaining a certificate under this section a fee to be determined by the board, but such fee shall not be in excess of one hundred dollars.

Sec. 3. The board shall not issue a permit under section 1-136 to any holder of a certificate of certified public accountant until such holder has had (1) two years of public accounting experience satisfactory to the board, in any state, in practice as a certified public accountant or as a public accountant or, in any state in employment as a staff accountant by anyone

practicing public accounting, or any combination of either of such types of experience, (2) three years of auditing experience satisfactory to the board in the office of the Auditor of Public Accounts or in the Department of Revenue, or (3) experience gained through employment by the federal government as a special agent or an internal revenue agent in the Internal Revenue Service and who holds a degree from a college or university of recognized standing and is certified by a District Director of Internal Revenue as having at least three and one half years of field experience as a special agent or internal revenue agent.

Sec. 4. That section 1-136, Revised Statutes Supplement, 1976, be amended to read as follows:

1-136. Permits to engage in the practice of public accounting in this state shall be issued by the board to persons who are holders of the certificate of certified public accountant issued under the provisions of sections 1-114 to 1-124 and who have met the experience requirements of section 3 of this act and to persons and partnerships registered under the provisions of sections 1-125 to 1-133 and the corporations registered under the provisions of section 1-134; Provided, all offices of such certificate holder or registrant are maintained and registered as required under the provisions of section 1-135. There shall be an annual permit fee in an amount to be determined, from time to time, by the board, not to exceed fifty dollars. All permits shall expire on the last day of December of each year and may be renewed annually for a period of one year by certificate holders and registrants in good standing upon payment of an annual renewal fee of not to exceed fifty dollars. Failure of a certificate holder or registrant to apply for such annual permit to practice within (1) three years from the expiration date of the permit to practice last obtained or renewed or (2) three years from the date upon which the certificate holder or registrant was granted his certificate or registration if no permit was ever issued to him, shall deprive him of the right to renewal, unless the board, in its discretion, determines such failure to have been due to excusable neglect. In such case the renewal fee or the fee for the issuance of the original permit as the case may be shall be such amount as the board shall from time to time determine, but not in excess of fifty dollars. Any certificate holder or registrant, who has not lost his right to issuance or renewal and who is not actively engaged in the practice of public accounting in this

state, may file a written application with the board to be classified as inactive. A person so classified shall not be issued a permit to engage in public accounting, nor be deemed the holder of a live permit as defined in section 1-151, but shall be carried upon an inactive roll to be maintained by the board, upon the payment of an annual inactive fee of one half the fee charged persons actively engaged in the practice of public accounting as provided in this section. A person so classified shall not be deprived of the right to issuance or renewal of permit and may, upon application to the board, and upon payment of the current annual permit fee, be granted a current annual permit. Every permitholder shall furnish a corporate bond in the amount of fifty thousand dollars, conditioned for the payment of any judgment or judgments which may be assessed against such person because of any act of negligence or any incompetency of such person occurring while he is the holder of such permit; Provided, that the aggregate liability of the surety for all such judgments shall in no event exceed the amount of such bond. In lieu of such fifty thousand dollar bond, such permitholder may file a certification from an insurance carrier that such permitholder is insured, as an individual or a member of a partnership, under an accountancy liability policy in an equal or greater amount, except that any such insurance policy may provide for a deductible clause not exceeding one thousand dollars. If any such bond or insurance shall by its terms expire, or if it is canceled by the surety or insurer, the surety or insurer shall within ten days thereafter give notice of such cancellation to the official issuing such permits, who shall thereupon notify, by mail, the holder of such permit whose bond or insurance has so expired or been canceled, that he may no longer act under the authority of such permit.

Sec. 5. For the purposes of section 3 of this act, auditing experience on and after January 1, 1973, as an auditor in the Department of Revenue or in the office of the Auditor of Public Accounts shall qualify toward the total experience requirements under this act.

Sec. 6. Any person who has taken the examination required by subdivision (5) of section 1-114 prior to January 1, 1978, may qualify for permit issuance by (1) having four years of public accounting experience satisfactory to the board in any state, in practice as a certified public accountant or as a public accountant or, in any state in employment as a staff accountant by

anyone practicing public accounting, or any combination of either of such types of experience, or (2) having five years of auditing experience satisfactory to the board in the office of the Auditor of Public Accounts or in the Department of Revenue, in lieu of being a graduate from a college or university of recognized standing.

Sec. 7. That original section 1-114, Reissue Revised Statutes of Nebraska, 1943, and sections 1-124 and 1-136, Revised Statutes Supplement, 1976, are repealed.".

2. In the title, strike lines 2 and 3 and insert:

"FOR AN ACT to amend section 1-114, Reissue Revised Statutes of Nebraska, 1943, and sections 1-124 and 1-136, Revised Statutes Supplement, 1976, relating to accountants; to".

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 Labedz amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 1 absent and not voting, and 8 excused and not voting.

Mrs. Marsh requested a machine vote on advancing LB 290 to E & R for Engrossment.

Advanced to E & R for Engrossment with 30 ayes, 0 nays, 10 present and not voting, 1 absent and not voting, and 8 excused and not voting.

MOTION—Return LB 483 to Select File

Mr. Duis moved to return LB 483 to Select File for the following specific amendment:

AMENDMENTS TO LB 483

1. Strike the Duis amendment found on page 1562 of the Journal.

2. In the George amendment, found on page 1519 of the Journal, lines 23 and 24 strike "personal service" and insert "certified mail".

The motion prevailed with 27 ayes, 2 nays, 11 present and not voting, 1 absent and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 483. The Duis specific amendment found in this day's Journal was adopted with 27 ayes, 2 nays, 11 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 427. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 427 to Select File

Mr. Keyes moved to return LB 427 to Select File for the following specific amendment:

Add the emergency clause.

The motion prevailed with 30 ayes, 0 nays, 10 present and not voting, 1 absent and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 427. The Keyes specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 15 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Print Amendment to LB 38

Mr. DeCamp asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AMENDMENT TO LB 38

1. On page 27, at the end of section 42 as amended, insert a new paragraph to read:

"No abortion shall be performed on any woman without the passing of at least two days between the signing of the written certification required by this section and the actual performance of the abortion unless an emergency situation presents imminent peril that substantially endangers the life of the woman.".

GENERAL FILE

LEGISLATIVE BILL 520A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 8 excused and not voting.

VISITORS

The President introduced 22 third and fourth grade students and teacher from Davenport, Nebraska; 32 fourth grade students and teachers from Grand Island; 10 economic students and sponsor from Lincoln School of Commerce; 44 fourth grade students and teacher from Loveland School, Omaha; 47 seventh and eighth grade students and teacher from Stanton, Nebraska; 17 eighth grade students from Victory Hills, Scottsbluff, Nebraska; 17 first, second, and third grade students and teacher from St. Pauls Lutheran, Utica, Nebraska; 18 sixth grade students and teachers from David City, Nebraska; 36 members of Richardson Co. Retired Senior Volunteer program from Falls City, Nebraska; 45 fourth grade students and teacher from Emerson Hubbard, Emerson, Nebraska; 10 student council members from Stella, Nebraska; Mr. and Mrs. Sol Friedman from Omaha, and Zemarai Mayel from Afghanistan; Mr. A. C. Jose, Member of the India National Congress from Kerala South, India escorted by Mark Mackie from the Mayor's Committee for International friendship; and Mrs. John S. Savage, daughter-in-law of Senator Savage and her parents, Mr. and Mrs. William (Scotty) Reynolds from Greenville, Maryland.

RECESS

At 12:00 noon, on a motion by Speaker Luedtke, 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. Brennan, DeCamp, Kremer, and Mills who were excused; Messrs. F. Lewis, Nichol, Newell, Marvel, Rasmussen, Fitzgerald, and R. Lewis who were excused until they arrive; Mr. Cullan who was absent until 2:25 p.m. and Mr. Chambers who was absent.

UNANIMOUS CONSENT–Members Excused

Mr. Venditte asked unanimous consent to be excused at 3:45 p.m. No objections. So ordered.

Mr. Murphy asked unanimous consent to be excused at 3:00 p.m. today and all day Friday, April 29, 1977. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused Friday, April 29, 1977. No objections. So ordered.

UNANIMOUS CONSENT–Print Amendment to LB 142

Mr. Dworak asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

AMENDMENT TO LB 142

1. Strike the original section 1 and all amendments thereto and insert the following:

Section 1. That section 25-208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows: The following actions can only be brought within the periods herein stated: Within one year, an action for libel, slander, assault and battery, false imprisonment, malicious prosecution, or an action upon a statute for a penalty or forfeiture, but where the statute giving such action prescribes a different limitation, the action may be brought within the period so limited; within two years, an action for malpractice which is not otherwise specifically limited by statutes; within two years, an action for strict liability in tort. In the absent of any other shorter applicable statute of limitations, any action for the recovery of any excise or other tax, which has been collected under any statute of the State of Nebraska, which has been finally adjudged to be unconstitutional, shall be brought within one year after the final decision of the court declaring it to be unconstitutional.

GENERAL FILE

LEGISLATIVE BILL 532. Considered.

Mr. Burrows renewed his pending amendment found in the Journal on page 1581.

The amendment lost with 4 ayes, 19 nays, 14 present and not voting, and 2 absent and not voting, and 10 excused and not voting.

Mr. Dworak renewed the pending amendment offered by he and Mr. DeCamp found in the Journal on page 1616.

Mr. Dworak moved for a Call of the House. The motion prevailed with 16 ayes, 1 nay and 32 not voting.

Voting in the affirmative, 27:

Bereuter	Boughn	Burrows	Cope	Dworak
Fowler	George	Hasebroock	Hefner	Kelly
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Murphy	Newell
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Warner			

Voting in the negative, 12:

Barnett	Carsten	Clark	Cullan	Duis
Goodrich	Kahle	Koch	Moylan	Stoney
Swigart	Venditte			

Present and not voting, 2:

Keyes Marvel

Absent and not voting, 1:

Chambers

Excused and not voting, 7:

Brennan	DeCamp	Fitzgerald	Kremer	F. Lewis
Mills	Nichol			

The Dworak-DeCamp amendment was adopted with 27 ayes, 12 nays, 2 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Mr. Dworak moved the Call be raised. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

UNANIMOUS CONSENT—Print Amendments to LB 204

Mr. Goodrich asked unanimous consent to print the following amendments to LB 204 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 204

1. Amend Section 5 to read as follows:

"Sec. 5. Approved private treatment facility shall mean a private agency which is currently accredited as an alcoholism program by the Joint Commission on Accreditation of Hospitals or which ~~meeting~~ meets the standards prescribed in subsection (2) of section 17 of this act and approved under subsection (7) of Section 17 of this act."

2. Amend Section 6 to read as follows:

"Sec. 6. Facility shall mean a hospital, institution, detoxification center, or installation providing care, maintenance, and treatment for alcoholics and approved by the director under sections 17 to 22 of this act or accredited as an alcoholism program by the Joint Commission On Accreditation of Hospitals."

3. Amend Section 7 to read as follows:

"Sec. 7. Approved public treatment facility shall mean a treatment agency operating under the direction and control of the division or providing treatment under this act through a contract with the division under section 17 of this act which is currently accredited as an alcoholism program by the Joint Commission on Accreditation of Hospitals or which ~~and meeting~~ meets the standards prescribed pursuant to subsection (2) of section 17 of this act and approved under subsection (7) of section 17 of this act."

UNANIMOUS CONSENT—Print Amendment to LB 217

Mr. Duis asked unanimous consent to print the following amendment to LB 217 in the Journal. No objections. So ordered.

AMENDMENT TO LB 217

1. In the committee amendments page 1119 of the Journal, section 3, line 19 strike "each natural resources district" and insert "the Director of Water Resources"; in subsection (3) of section 3, line 6 strike "Each district" and insert "The director"; and on page 1120 line 13 strike "district" and insert "director".

UNANIMOUS CONSENT—Print Amendments to LB 33

Mr. Koch asked unanimous consent to print the following amendments to LB 33 in the Journal. No objections. So ordered.

AMENDMENT TO KOCH AMENDMENTS TO LB 33 (3) ON PAGE 1533 OF THE JOURNAL

On line 4 of the new subsection strike "1977-78" and insert "July 1, 1977, to June 30, 1978 to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143,".

On line 6 of the new subsection strike "1978-79" and insert "July 1, 1978, to June 30, 1979 to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143,".

ANNOUNCEMENT

Mr. Warner announced an executive session of the Appropriations Committee at 8:00 a.m., April 29, 1977 in Room 1003.

GENERAL FILE

LEGISLATIVE BILL 532. Considered.

Mr. Koch asked unanimous consent to withdraw his amendments found in the Journal on pages 1547, 1571 and 1650. No objections. So ordered.

Mr. Newell offered the following amendment:

Purpose: To transfer the funding of Lincoln Mental Health Regional Center to Douglas County Hospital.
On page 16, on line 6 strike "4,700,000" and insert "3,500,000"; on line 7 strike "265,000" and insert "200,000"; on line 8 strike "22,132,948" and insert "20,867,948"; on line 10 strike "15,805,232" and insert "9,887,519"; on line 11 strike "14,111,814" and insert "8,828,142"; on line 12 strike "150,000" and insert "5,649,005".
On page 16 strike lines 25 thru 27; on page 17 strike lines 2 thru 16.
On page 20, on line 24 strike "12,584,856" and insert "11,384,856"; on line 25 strike "6,902,708" and insert "6,837,708"; on line 26 strike "51,150,644" and insert "49,875,644".

The amendment lost with 5 ayes, 18 nays, 17 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, and 1 absent and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 537. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 14 present and not voting, 1 absent and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 328

Mr. Cullan asked unanimous consent to print the following amendments to LB 328 in the Journal. No objections. So ordered.

Amendment to LB 328 (1)
Pages 2 and 3, delete Sections 1 (2) through 1 (8), lines 13, page 2 through line 27, page 3.

Amendments to LB 328 (2)

Page 2, Line 19, change to read:
"Categories of investment or insurance licensed to do business in the State of Nebraska: (a) Life"
Line 23, change to read:
"state. The political subdivisions may also invest such deferred income under an agreement with an organization established for the"
Line 27, change to read:
"non-profit and tax exempt."
Page 3, Line 1 "Delete"

MR. BARNETT PRESIDING

GENERAL FILE

LEGISLATIVE BILL 521. Considered.

Advanced to E & R for Review with 25 ayes, 0 nays, 16 present and not voting, 1 absent and not voting, and 7 excused and not voting.

Mr. F. Lewis asked unanimous consent to excused at 3:45 today and until he arrives in the morning. No objections. So ordered.

LEGISLATIVE BILL 539. Title read. Considered.

Mr. Burrows asked unanimous consent to withdraw his pending amendment found in the Journal on page 1561. No objections. So ordered.

Mr. Duis renewed his pending amendment found in the Journal on page 1621.

PRESIDENT WHELAN PRESIDING

Mr. Goodrich offered the following amendment to the Duis amendment:
Strike all of line 1 and the word "five" in line 2 of the Duis amendment.

The Goodrich amendment lost with 13 ayes, 16 nays, 11 present and not voting, 1 absent and not voting, and 8 excused and not voting.

The Duis amendment lost with 7 ayes, 20 nays, 13 present and not voting, 1 absent and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 38

Mr. Barnett asked unanimous consent to print the following amendment to LB 38 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 38

1. On page 245, line 21 after "sections" insert "28-589.03, 28-5,103 to 28-5,106, 28-833 to 28-844,"; and after "28-1031", insert "28-1043 to 28-1046,".

2. In the title, line 7, after "sections" insert "28-589.03, 28-5,103 to 28-5,106, 28-833 to 28-844," and after 28-1031" insert ", 28-1043 to 28-1046,".

UNANIMOUS CONSENT—Print Amendments to LB 40

Mr. Barnett asked unanimous consent to print the following amendments to LB 40 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 40

1. On page 201, line 7, strike "I" and insert "III".

2. On page 203, after line 1, insert a new section 270 to read as follows:

"Sec. 270. That section 48-144.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-144.04. Any employer or insurance carrier who fails, neglects, or refuses to file any report required of him by the compensation court shall be ~~subject to a penalty not to exceed one thousand dollars~~ guilty of a Class II misdemeanor for each such failure, neglect, or refusal. It shall be the duty of the Attorney General to act as attorney for the state. In addition to the penalty, where an employer or insurance carrier has been given notice, or the employer or the insurance carrier has knowledge, of any injury or death of an employee and fails, neglects, or refuses to file a report thereof, the limitations in sections 48-137 and 48-128 shall not begin to run against the claim of the injured employee or his dependents entitled to compensation or against the State of Nebraska on behalf of the Second Injury Fund, or in favor of either the employer or the insurance carrier until such report shall have been furnished as required by the compensation court.".

3. On page 247, line 12, after "48-125.01" insert ", 48-144.04".

4. Renumber original sections 270 to 320 as sections 271 to 321 respectively.

UNANIMOUS CONSENT—Print Amendments to LB 41

Mr. Barnett asked unanimous consent to print the following amendments to LB 41 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 41

1. On page 18, line 21, strike "II" and insert "IV".
2. On page 19, line 23, strike "V" and insert "III".
3. On page 3, after line 26, insert new sections 4 and 5 to read as follows:

"Sec. 4. That section 28-5,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-5,106. Any person, firm, or corporation who fails to acquire a valid registration certificate pursuant to the provisions of sections 28-5,103 to 28-5,106 shall be guilty of a Class IV misdemeanor. ~~and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.~~

Sec. 5. That section 28-1046, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1046. Any person convicted of a violation of sections 28-1043 to 28-1046 shall, upon conviction thereof be guilty of a Class IV misdemeanor. ~~and shall be subject to a fine of not less than one hundred dollars nor more than five hundred dollars.~~".

4. On page 50, line 11, after "sections", insert "28-5,106, 28-1046,".
5. Renumber original sections 4 to 62 as sections 6 to 64.

UNANIMOUS CONSENT—Print Amendments to LB 522

Mr. Warner asked unanimous consent to print the following Appropriations Committee amendments to committee amendments to LB 522. No objections. So ordered.

Appropriation Committee Amendment to Committee Amendments to LB 522

1. Purpose: To provide 1976-77 deficiency for special education payments for residential ($30,000) and multi-handicapped ($8,000) programs.

On page 25, on line 17 strike "14,629,595" and insert "14,667,595"; on line 20 strike "15,462,318" and insert "15,500,318"; on line 23 strike "200,000" and insert "208,000"; on line 24 strike "75,000" and insert "105,000".

On page 25, after line 26 add the following:

There is included in the amount shown $38,000 reappropriated from the 1975-76 fiscal year to allow for full reimbursement of the 1976-77 residential care and multihandicapped programs.

On page 28, on line 6 strike "75,497,476" and insert "75,535,476"; on line 11 strike "117,617,888" and insert "117,655,888".
2. Purpose: To transfer the deficiency appropriation to the State Claims Board from Program 535 – State Claims Administration to Program 538 – State Claims Board.
On page 33, on lines 7 and 9, reinstate the original figures; on lines 8 and 10, strike the new figures; on line 12, strike 280,000 and insert 370,000; on line 14, strike 525,000 and insert 615,000.

GENERAL FILE

LEGISLATIVE BILL 539. Considered.

Mr. Barnett offered the following amendment:

AMENDMENT TO LB 539, THE LEGISLATIVE INTENT BILL FOR LB 532

Purpose: To incorporate Senator Chamber's amendment to LB 38, the Criminal Code, into LB 539, the Legislative Intent Bill for LB 532.
Add the following new section:
"For the purpose of establishing and maintaining legislative oversight and accountability, the Appropriations Committee of the Legislature shall formulate record keeping procedures to be adhered to by the Nebraska State Patrol for all expenditures, disbursements and transfers of cash from the Drug Control Cash Fund. The procedures shall be formulated no later than January 1, 1978 and implemented by the State Patrol within thirty days thereafter. Based on these record keeping procedures, the State Patrol shall prepare and deliver to the Legislature at the commencement of each succeeding Session a detailed report which shall contain but not be limited to

(a) Current total in the Cash Fund, (b) total amount of expenditures, (c) purpose of the expenditures: (i) salaries and/or expenses of all agents and informants, (ii) front money for drug purchases, (iii) names of drugs and quantitiy of purchases, (iv) amount of front money recovered, (d) total number of informers on payroll, (e) amounts delivered to Patrol supervisors for distribution to agents and informants and the method of accounting for such transactions and the results procured through such transactions."

The amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Mr. Duis moved to bracket LB 539 until tomorrow.

The motion lost with 8 ayes, 17 nays, 15 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Mr. Maresh offered the following amendment:

On page 6 Sec 9 line 17 strike the period add comma and insert "Nor shall any habitat be destroyed without approval of the local Natural Resource District.

Mr. Maresh moved for a Call of the House. The motion lost with 10 ayes, 12 nays, and 27 not voting.

The Maresh amendment lost with 10 ayes, 10 nays, 20 present and not voting, 1 absent and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 30 ayes, 1 nay, 9 present and not voting, 1 absent and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 518

Mr. Newell asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. On page 2, line 21 strike "1, 3, and 5" and insert "2, 3, and 4".

2. Strike original sections 3, 5, and 7 as amended and insert a new section to read:

"Sec. 5. Beginning with fiscal year 1978-79 and each fiscal year thereafter, the Legislature shall appropriate fifty million dollars from funds collected by a general sales tax and income tax to the Personal Property Tax Relief Fund.".

3. Renumber original sections 4, 6, 8, and 9 as sections 3, 4, 6, and 7 respectively.

VISITORS

The President introduced Senator Martin Kahle's daughters, Shari Hartman and LaNita Johnson, and his granddaughters, Becky Hartman and Mandy Johnson; 10 Seventh Day Advent Church School members from Albion, Nebraska; Bishop and Mrs. Bryan, the new Nebraska Methodist Bishop and his wife.

ADJOURNMENT

At 4:34 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, April 29, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-THIRD DAY–APRIL 29, 1977

LEGISLATIVE JOURNAL

SEVENTY-THIRD DAY—APRIL 29, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 29, 1977

Pursuant to adjournment, the Legislature met at 9:07 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, Your Son taught us many lessons; among them patience.
>
> He was never completely understood, even by those closest to Him; yet He took the time to continue to teach. Weso often can't take time for one brief explanation.
>
> His "program", a "budget for happiness", was divinely inspired and simple to comprehend, and yet 2,000 years later, it's still in committee. If we don't get our way in six weeks, we consider it a personal rebuke and shred our opponents in public.
>
> Give these members patience as Your Son had patience and make them more like Your Son in attitude and demeanor. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, DeCamp, Kremer, Murphy, Nichol, Rasmussen, and Simon who were excused; Messrs. F. Lewis and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Second Day was approved.

MESSAGE FROM THE GOVERNOR

April 27, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 61, 81, 81A, 93, 196, 201, 228, 303, 366, 430, 472, 503, 503A, 512, 512A, 515, and 515A.

These bills were signed by me on April 27, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 29, 1977, at 8:55 a.m., was the following bill: 7.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 450. Replaced on Select File as amended.
E & R amendment to LB 450:

1. On page 5, line 9, strike the second comma; and in line 10, strike "Natural Resource" and insert "Resources".

LEGISLATIVE BILL 182. Replaced on Select File as amended.
E & R amendments to LB 182:

1. In committee amendments, page 2, line 2, strike the period and insert a colon.
2. In committee amendments, page 7, line 19, strike "section 19" and insert "section 20".

LEGISLATIVE BILL 390. Replaced on Select File as amended.
E & R amendments to LB 390:

1. In lieu of section 2 as found in the Carstens amendment, insert a new section to read:

"Sec. 2. The Nebraska Wheat Development, Utilization, and Marketing Committee shall, on or before January 31, 1977,

file with the Legislature a detailed report of its receipts, disbursements, transactions, and activities during the preceding calendar year.".

2. In the title, line 5, insert "to provide for reports;" after the semicolon.

LEGISLATIVE BILL 131. Placed on Select File as amended.
E & R amendments to LB 131:

1. In the DeCamp amendments, page 2, insert ", Reissue Revised Statutes of Nebraska, 1943, and amendments thereto," after "9" in line 10 and "13" in line 16.

2. In the DeCamp amendments, page 3, strike lines 2 and 10 and through the second comma in lines 3 and 11 and insert "Fund".

3. In the DeCamp amendments, page 4, insert a comma after "shall" in line 3 and "statute" in line 4.

4. In the title, strike lines 2 to 6 and insert:

"FOR AN ACT relating to taxation; to require reappraisal of all land and improvements as prescribed; to provide penalties for noncompliance; to limit budget increases except as prescribed; to provide severability; and to declare an emergency.".

Correctly Engrossed

The following bills were correctly engrossed: 209, 246, 344A, 384, 398, 517, 517A, and 524.

Correctly Enrolled

The following bills were correctly enrolled: 30, 110, 238, 419, and 425.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 30, 110, 238, 419, 425, and LR 65.

ATTORNEY GENERAL'S OPINION

Opinion No. 79
April 27, 1977

Dear Senator Nichol:

You have requested the opinion of this office concerning the constitutionality of two proposed amendments to L.B. 121. The Kelly amendment which you have provided to us makes two changes in what is now section 76-1416, R.R.S. 1943. First, it adds the requirement that the failure of the landlord to return the security deposit as provided by subsection (2) must be willful and not in good faith before the recovery provided to the tenant is allowed. Second, it adds "liquidated damages" of one month's periodic rent to what was before allowed to be recovered, the property and money due and attorney's fees. The Nichol amendment which you have provided to us amends the Kelly amendment by adding the following:

> "If the tenant fails to comply with obligations secured by the deposit under this section, and such failure is willful and not in good faith, the landlord may recover the property and money due the landlord, an amount of one month's periodic rent as liquidated damages, and reasonable attorney's fees."

Your specific question is whether the provisions in the two amendments relating to "liquidated damages" are constitutional under Abel v. Conover, 170 Neb. 926, 104 N.W.2d 684 (1960). In our opinion, both amendments are probably unconstitutional since they may be held to impose a penalty not reasonably related to actual damages in violation of Article VII, section 5 of the Nebraska Constitution and the due process clause.

Abel v. Conover, supra, states the rule very clearly concerning the question of whether liquidated damages are constitutional. That case states the rule as follows on page 931:

> "It is clearly within the province of the Legislature to provide for liquidated damages in favor of a private person, although in form a penalty, if the amount provided bears a reasonable relation to the actual damages which might be sustained and which damages are not susceptible of measurement by ordinary pecuniary standards. But where it appears that the provision provides for the payment of an amount clearly in excess of compensatory damages, it is a penalty and violates the due process clause of the Constitution when considered with Article VII, section 5, thereof. . . ."

The question presented in the case of both amendments is whether an amount clearly in excess of compensatory damages is provided thereby constituting a penalty.

As we read the Kelly amendment it provides that if a landlord willfully and in bad faith fails to return a security deposit due the tenant, he is liable to not only return such money and pay reasonable attorney's fees to the tenant, but in addition he is liable to pay liquidated damages of one months periodic rent. If the failure to return the security deposit is not willful or is in good faith, then the tenant could only collect the money he is due. The liquidated damages provided do not appear to compensate the tenant for any damage he has incurred, but rather appear to be a penalty imposed upon the landlord for willfully and in bad faith withholding money due. As such, the provision of liquidated damages is constitutionally defective. Furthermore, the liquidated damages do not appear to bear any reasonable relationship to actual damages incurred, especially when it is considered that they are provided in addition to a recovery of the property or money due and reasonable attorney's fees. Finally, the damages incurred by the tenant due to the withholding of the security deposit are probably capable of being measured by ordinary pecuniary standards so that the use of the concept of liquidated damages may be inappropriate under the language quoted from Abel v. Conover.

The Nichol amendment provides to the landlord the same recovery as is provided to the tenant by the Kelly amendment in the case where the tenant willfully and in bad faith fails to comply with obligations secured by the deposit. This amendment is constitutionally defective for the same reasons expressed above concerning the Kelly amendment. The Nichol amendment, by providing liquidated damages in addition to the recovery of property or money due and reasonable attorney's fees when the failure is willful and in bad faith, imposes a penalty upon the tenant as opposed to compensation for actual damages to the landlord, contrary to the due process clause and Article III, section 5. Furthermore, the liquidated damages, being additional to other damages allowed, do not appear to bear a reasonable relationship to actual damages, and the actual damages of the landlord are probably capable of measurement by ordinary pecuniary standards.

For the reasons expressed we do not believe the constitutionality of either of the two proposed amendments to L.B. 121 could be successfully defended against constitutional attack.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 485.

A BILL FOR AN ACT to amend sections 81-502.01, 81-502.02, and 81-502.03, Reissue Revised Statutes of Nebraska, 1943, relating to the advisory committee to the State Fire Marshal; to change the committee to the Nebraska Fire Safety Appeals Board; to provide powers and duties; to delete obsolete matter; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	Cullan	Duis
Dworak	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Newell	Reutzel	Rumery	Savage
Schmit	Stoney	Swigart	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Fitzgerald

Excused and not voting, 9:

Brennan	DeCamp	Kremer	F. Lewis	Murphy
Nichol	Rasmussen	Simon	Venditte	

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

RESOLUTIONS

LEGISLATIVE RESOLUTION 68.

Introduced by Dworak, 22nd District; Carsten, 2nd District; Rumery, 42nd District; Swigart, 8th District; Murphy, 17th District; Maxey, 46th District; Maresh, 32nd District; Rasmussen, 41st District; Fitzgerald, 14th District; Luedtke, 28th District; Kelly, 35th District; Stoney, 4th District; Boughn, 21st District; Marvel, 33rd District; Hasebroock, 18th District; Venditte, 7th District; Labedz, 5th District; Lamb, 43rd District; Cope, 36th District; Savage, 10th District; Hefner, 19th District; Kahle, 37th District; Keyes, 3rd District; Merz, 1st District.

WHEREAS, abortion may be viewed as the taking of a human life; and

WHEREAS, the University of Nebraska Medical Center in Omaha experienced a 49% increase in abortions performed there from 1975 to 1976; and

WHEREAS, the taking of human lives in a state tax supported institution formulates certain questions which should be answered on behalf of the people of Nebraska.

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

1. That the Legislature's Appropriations Committee perform an interim study of certain issues relating to the tax supported functions of the University of Nebraska Medical Center in Omaha which shall include:

(a) Determination of policies permitting abortions at the University Hospital;

(b) What, if any, monetary reimbursement is received by physician faculty members and volunteer faculty members performing abortions;

(c) Whether private clinics make referrals to the Medical Center; and

(d) Whether the Professional Fee Plan permits salaried full-time employees of the Medical Center to bill outside of the Plan for the role they play in abortions.

2. That the committee shall make a report of its findings together with any recommendations it may have for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 69.

Introduced by Kelly, 35th District; Boughn, 21st District; Chambers, 11th District.

WHEREAS, Dr. Samuel A. Mudd was the doctor in southern Maryland who treated the broken leg of John Wilkes Booth after the actor Booth jumped from a theater box after assassinating Abraham Lincoln, the

sixteenth President of the United States, at Ford's Theater in Washington, D. C., on April 14, 1865; and

WHEREAS, Dr. Mudd was unjustly convicted as a conspirator at a trial in which he was not allowed to testify in his own behalf; and

WHEREAS, Dr. Mudd was imprisoned for several years before receiving a pardon from President Andrew Johnson; and

WHEREAS, a pardon does not admit innocence but merely indicates forgiveness; and

WHEREAS, Dr. Mudd was following his professional duty as a physician and doctor of medicine in treating an injured patient of unknown identity; and

WHEREAS, historical research has subsequently revealed that Dr. Mudd acted only as a physician and not as a conspirator in the assassination of the late President; and

WHEREAS, the good name of the Mudd family has suffered enough in the past one hundred and twelve years for the wrong done to their ancestor; and

WHEREAS, Mrs. Richard D. Mudd, the wife of Dr. Samuel A. Mudd's grandson, is a native of Ravenna, Nebraska.

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

1. That it is the sentiment of the Nebraska Unicameral that Doctor Samuel A. Mudd was innocent of any complicity or conspiratorial plot in the assassination of President Abraham Lincoln.

2. That a proclamation by the President of the United States declaring Dr. Samuel Mudd's innocence is in order.

3. That copies of this resolution be transmitted to the Mudd family, the President of the United States, the Governor of Nebraska, and the United States Senators and members of the United States House of Representatives from Nebraska.

Laid over.

EXPLANATION OF VOTE

Had I been present during Final Reading on the day of April 28, 1977, I would have voted "No" on LB 30, "Yes" on LB 110, 238, 419, "No" on LB 425.

(Signed) Jack Mills

Had I been present I would have voted "aye" on Final Reading for LB 7.

(Signed) Douglas Bereuter

UNANIMOUS CONSENT—Members Excused

Messrs. R. Lewis and Duis asked unanimous consent to be excused this afternoon. No objections. So ordered.

MOTION—Reconsider Action on LB 539 Amendment

Mr. Duis moved to reconsider action on the Duis amendment to LB 539 found in the Journal on page 1621.

Motion pending.

GENERAL FILE

LEGISLATIVE BILL 522. Title read. Considered.

Standing Committee amendments referred to in the Journal on page 1439 for the Sixty-Third Day were considered.

Mr. Reutzel asked unanimous consent to be excused for a short time. No objections. So ordered.

The Appropriations Committee amendments to the committee amendments found in the Journal on page 1713 were adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Warner moved for a Call of the House. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The Standing Committee amendments were adopted, as amended, with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORT
Miscellaneous Subjects

LEGISLATIVE BILL 523. Placed on General File.

(Signed) Donald Dworak, Chairman

UNANIMOUS CONSENT–Print Amendment to LB 361

Mrs. Maxey asked unanimous consent to print the following amendment to LB 361 in the Journal. No objections. So ordered.

AMENDMENT TO LB 361

1. On page 8, in lines 3 through 9 reinstate the stricken matter and strike the new matter, and in lines 23 through 27 reinstate the stricken matter; in lines 5 and 8 strike "is" and insert "~~is~~ conducts business as"; and in line 24 after "to" insert "an applicant who conducts business as".

GENERAL FILE

LEGISLATIVE BILL 504. Title read. Considered.

Standing Committee amendment found in the Journal on page 778 for the Thirty-Ninth Day was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Maresh renewed his pending amendment found in the Journal on page 1617.

The amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Warner offered the following amendment:

1. On page 7, after line 21, insert:

Claim No. 046 (1976), against the State Colleges, pay to City of Kearney, Box 489, Kearney, Nebraska, 68847, out of the General Fund	45,117.20

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

Mr. Burrows asked unanimous consent to be excused until Monday, May 2, 1977. No objections. So ordered.

Advanced to E & R for Review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 347. Title read. Considered.

The Standing Committee amendments found in the Journal on page 1466 for the Sixty-Fourth Day were adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Moylan asked unanimous consent to be excused for the balance of the day. No objections. So ordered.

Mr. Dworak offered the following amendment:
Strike on page 2 sec I
All new matter lines 19 thru 22

Mr. Dworak moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

Mr. Dworak requested a roll call vote.

Voting in the affirmative, 17:

Barnett	Bereuter	Boughn	Carsten	Clark
Cope	Cullan	Dworak	Fitzgerald	Kahle
Kelly	Lamb	Marvel	Rumery	Stoney
Swigart	Warner			

Voting in the negative, 20:

Chambers	Duis	George	Goodrich	Hasebroock
Hefner	Keyes	Koch	Labedz	Luedtke
Maresh	Marsh	Maxey	Merz	Mills
Newell	Reutzel	Savage	Schmit	Venditte

Present and not voting, 2:

Fowler	R. Lewis

Excused and not voting, 10:

Brennan	Burrows	DeCamp	Kremer	F. Lewis
Moylan	Murphy	Nichol	Rasmussen	Simon

The Dworak amendment lost with 17 ayes, 20 nays, 2 present and not voting, and 10 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Advanced to E & R for Review with 25 ayes, 4 nays, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 4. Considered.

The Standing Committee amendments referred to in the Journal on page 743 for the Thirty-Eighth Day (Req. 2523) were adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for Review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 162. E & R amendments found in the Journal on page 1676 for the Seventy-Second Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 530. E & R amendment found in the Journal on page 1676 for the Seventy-Second Day was adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 530 to Select File

Mr. Warner moved to return LB 530 to Select File for the following specific amendment:
Purpose: To add personal service and salary limitations for Agency Number 60, Agricultural Products Industrial Utilization Committee.

On page 9, after line 5 insert, "Personal Services expenditures shall not exceed $37,693. The salary basis for 1978-79 continuation funding shall not exceed $31,407."

on page 3, after line 5, insert the following: <u>There is hereby lapsed to the state General Fund $475,000 from the Securities Cash Fund.</u>

The motion prevailed with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 530. The Warner specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print Amendments to LB 131

Mr. Koch asked unanimous consent to print the following amendments to LB 131 in the Journal. No objections. So ordered.

Amendment to LB 131, as amended

1. In the DeCamp amendment, Journal page 1671, insert a new section as follows:

"Sec. 8. Each political subdivision of this state and each agency of state government, in preparing a current budget, shall be restricted to the same percentage of increase in estimated general operating expenditures over the total actual general operating expenditures of the preceding year; Provided, that such restriction shall not include additional direct or indirect costs of programs and services which are mandated by any regulatory agency, governmental body, or governmental agency. The costs of any such mandated program shall be budgeted by the mandating agency and the performing governmental unit shall be reimbursed for all direct and indirect costs incurred in connection therewith by the mandating agency. Salaries and fringe benefits of employees shall not, on the average, exceed the above-mentioned percentage of the average of the preceding year. Any appeal from the limitations of this section shall be made to the Appropriations Committee of the Nebraska Legislature which shall have plenary jurisdiction of such appeals and relief, if any, to be granted, on the condition that the financing of the amount whch exceeds the percentage shall be the responsibility of the expending agency.".

2. Renumber remaining sections accordingly.

Mr. F. Lewis asked unanimous consent to print the following amendments to LB 131 in the Journal. No objections. So ordered.

Amendments to LB 131

1. In the DeCamp amendments, page 1671 of the Journal, insert a new section to read:

"Sec. 9. The Governor shall provide to the presiding officer of each political subdivision of the state information delineating the total expenditures of the state for the preceding year and the percentage increase of such expenditures over the previous years expenditures. The presiding officer shall make such information available to each person attending any public hearing held pursuant to section 8 of this act.".

2. Renumber sections 9 and 10 of the DeCamp amendment as sections 10 and 11.

Mr. R. Lewis asked unanimous consent to print the following amendment to LB 131 in the Journal. No objections. So ordered.

AMENDMENT TO LB 131

1. In the DeCamp amendments, page 3, line 16, insert "an increase of more than" after "exceed" and strike "of" and insert "over"; in line 18 strike "such"; and in line 19 strike "budgets" and insert "budget years".

UNANIMOUS CONSENT–Print Amendment to LB 532

Mr. Koch asked unanimous consent to print the following amendment to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

1. On page 34, line 2 strike "174,435" and insert "196,473".

UNANIMOUS CONSENT–Member Excused

Mr. Marvel asked unanimous consent to be excused at noon for the remainder of the day. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 263A. Title read. Considered.

Failed to advance to E & R for Review with 24 ayes, 1 nay, 16 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 139. Title read. Considered.

Standing Committee amendments found in the Journal on page 1092 for the Fifty-Second Day were adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

Motion to advance pending.

UNANIMOUS CONSENT–Members Excused

Mr. Duis asked unanimous consent to be excused Monday, May 2, 1977. No objections. So ordered.

Mr. Hasebroock asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 34 seventh and eighth grade students and sponsor from Columbus, Nebraska; Mr. and Mrs. Jack Dewulf from Atlantic, Iowa; 10 students and teacher from Cordova, Nebraska; 28 eighth grade students and teacher from Lyons, Nebraska; 18 fourth grade students and teacher from Pawnee City, Nebraska; 30 freshmen and teacher from Dawson-Verdon Consolidated School; 20 students and teacher from Bedford Elementary, Omaha; 34 junior hi students and teacher from Cozad, Nebraska; and 56 fourth, fifth, and sixth grade students and teachers from Arbor Heights, Omaha.

RECESS

At 11:59 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brennan, Burrows, DeCamp, Duis, Hasebroock, Kremer, R. Lewis, Moylan, Murphy, Nichol, and Reutzel who were excused; Messrs. F. Lewis, Kelly and Mrs. Labedz who were excused until they arrive; Mr. Newell who was absent until 3:00 p.m.

UNANIMOUS CONSENT—Member Excused

Mr. Clark asked unanimous consent to be excused at 3:30 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 139. Considered.

Mr. Keyes offered the following amendment:
Add new section as follows:

Beginning January 1, 1980 all cars bought by the State of Nebraska and all local subdivisions of government must have an EPA rating of not less than thirty miles per gallon for highway use.

Renumber original and amended sections accordingly.

Mr. Koch offered the following amendment to the Keyes amendment:

Amend the Keyes amendment and strike subdivisions of government

Mr. Lamb 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 Koch amendment lost with 11 ayes, 13 nays, 11 present and not voting, 1 absent and not voting, and 13 excused and not voting.

Mr. Stoney offered the following amendment:

Amend the Keyes amendment by excluding those vehicles used in the enforcement of law in the state and its corresponding subdivisions of government.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Stoney amendment was adopted with 21 ayes, 7 nays, 7 present and not voting, 1 absent and 13 excused and not voting.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Keyes amendment, as amended, lost with 14 ayes, 17 nays, 4 present and not voting, 1 absent and not voting, and 13 excused and not voting.

Mr. Marvel asked unanimous consent to be excused at 2:15 p.m. No objections. So ordered.

Mr. Marvel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Advanced to E & R for Review with 25 ayes, 6 nays, 5 present and not voting, 1 absent and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 263A. Title read. Considered.

Advanced to E & R for Review with 25 ayes, 1 nay, 9 present and not voting, 1 absent and not voting, and 13 excused and not voting.

UNANIMOUS CONSENT–Print Amendments to LB 518

Mrs. Maxey asked unanimous consent to print the following amendment to LB 518. No objections. So ordered.
(Amendment printed separate from the Journal and on file in the Clerk's office–Req. No. 2559)

MOTION—Consider LB 236

Mr. Mills moved to consider LB 236 on General File at this time.

MR. BARNETT PRESIDING

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Mills motion prevailed with 25 ayes, 6 nays, 6 present and not voting, 1 absent and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 236. Title read. Considered.

Standing Committee amendment found in the Journal on page 1046 for the Fiftieth Day was considered.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

SPEAKER LUEDTKE PRESIDING

Mr. Mills moved for a Call of the House. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Mills requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 20:

Boughn	Carsten	Cullan	Dworak	George
Goodrich	Kahle	Koch	Labedz	F. Lewis
Luedtke	Marsh	Mills	Newell	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 15:

Barnett	Bereuter	Clark	Cope	Fowler
Hefner	Kelly	Keyes	Lamb	Maresh
Maxey	Merz	Rasmussen	Rumery	Schmit

Present and not voting, 2:

Chambers Fitzgerald

Excused and not voting, 12:

Brennan	Burrows	DeCamp	Duis	Hasebroock
Kremer	R. Lewis	Marvel	Moylan	Murphy
Nichol	Reutzel			

The Standing Committee amendment lost with 20 ayes, 15 nays, 2 present and not voting, and 12 excused and not voting.

Mr. Hefner asked unanimous consent to be excused at 3:45 p.m. No objections. So ordered.

Mr. Schmit moved to indefinitely postpone.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 10 nays, and 23 not voting.

The Schmit motion to indefinitely postpone pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendments to LB 536:

1. On page 2, line 6, after "Parole" insert "and the Board of Pardons"; in line 9 after "which" insert "a" and after "parole" insert "or pardon"; and in line 11 after "Parole" insert "and Board of Pardons".

2. Insert a new section 4 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 541. Placed on General File.

(Signed) Dennis L. Rasmussen, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 70.

Introduced by Schmit, 23rd District; Mills, 44th District.

WHEREAS, the cost of acquiring or maintaining products liability insurance in Nebraska has risen; and

WHEREAS, the effects of such cost increases on small business concerns have not yet been determined; and

WHEREAS, any purchaser of such insurance in this state should be permitted to obtain protection from risk of peril at a reasonable price.

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

1. That the Legislature's Banking, Commerce and Insurance Committee perform an interim study of product liability insurance costs and the methods by which such costs are determined.

2. That the committee examine availability of such insurance and the effects such insurance coverage and its costs may have upon small businesses in Nebraska.

3. That the committee make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION – Suspend Rules

Mr. Warner moved to suspend the rules, Rule 5, Sec. 5, to introduce 3 new bills by the Committee on Appropriations. (Request No's 880, 876, and 884)

The motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 543. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Fowler, 27th District; Savage, 10th District; Cope, 36th District; Rumery, 42nd District; Goodrich, 20th District; Marsh, 29th District.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 533, Eighty-fifth Legislature, First Session, 1977; to provide for repeal; and to declare an emergency.

LEGISLATIVE BILL 544. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Cope, 36th District; Rumery, 42nd District; Savage, 10th District; Hasebroock, 18th District; Marsh, 29th District; Goodrich, 20th District.

A BILL FOR AN ACT relating to postsecondary education; to create a cash fund; to provide an appropriation; to provide a termination date; and to declare an emergency.

LEGISLATIVE BILL 545. By Appropriations Committee: Warner, 25th District, Chairman; Fowler, 27th District; Cope, 36th District; Rumery, 42nd District; Marsh, 29th District; Savage, 10th District; Hasebroock, 18th District; Goodrich, 20th District; Bereuter, 24th District.

A BILL FOR AN ACT to amend section 44-1620.01, Revised Statutes Supplement, 1976, relating to group insurance; to increase funds that may be expended to pay health insurance plans; to provide duties of the Director and Department of Administrative Services as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

REFERENCE COMMITTEE REPORT

LB	Committee
543	Gen. File
544	Gen. File
545	Appropriations

(Signed) J. Mills, 44th District; J. Savage, 10th District; L. Stoney, 4th District; D. Bereuter, 24th District; S. Fowler, 27th District; R. Luedtke, 28th District.

RESOLUTION

LEGISLATIVE RESOLUTION 71.

Introduced by Business and Labor Committee, Maresh, Chairman, 32nd District; Rasmussen, 41st District; Fitzgerald, 14th District; Lamb, 43rd District.

Whereas a contract between the Nebraska Department of Public Institutions and Locals 601, 671, 1188, 1459 and 2504 affliated with Council 32 of the American Federation of State, County and Municipal Employees AFL-CIO has been submitted to the Legislature for approval pursuant to Section 48-837 and,

Whereas, the contract does not bind the Legislature in its fiscal obligations or budgetary proceedings, and,

Whereas, the contract contains such items as a seniority system, grievance procedure, prohibitions against strikes, lockouts or discrimination, and,

Whereas, no provisions of the contract conflict or abrogate any existing Nebraska law,

NOW THEREFORE BE IT RESOLVED BY THE 85th LEGISLATURE THAT the contract described above is formally approved for the purposes of section 48-837.

Laid over.

NOTICE OF COMMITTEE HEARING
Appropriations

LB 545 Thursday, May 5, 1977 12:15 p.m.

(Signed) Jerome Warner, Chairman

VISITORS

The President introduced 21 ninth grade students and teacher from Cozad, Nebraska; 65 fourth and fifth grade students and sponsor from Creighton, Nebraska; 28 first through eighth grade students and sponsor from St. Peters, Davenport; 16 students and teacher from Pleasant Hill; 59 students and sponsors from Papillion and LaVista West; and Gail Een and Nancy Craft, former employees of the Clerk's office.

GENERAL FILE

LEGISLATIVE BILL 236. Mr. Schmit renewed his pending motion found in this day's Journal to indefinitely postpone.

MOTION—Adjournment

Mr. Keyes moved to adjourn until 10:00 a.m., Monday, May 2, 1977.

The motion prevailed with 14 ayes, 12 nays, and 23 not voting.

At 3:47 p.m., the Legislature adjourned until 10:00 a.m., on Monday, May 2, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FOURTH DAY—MAY 2, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 2, 1977

Pursuant to adjournment, the Legislature met at 10:02 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Almighty Father. . . .Source of all good. Help us now to know Your truth and to share Your love in our lives.
>
> Give direction to our thoughts and strength to our wills, so that protected from the errors of false judgments and the misinformation of false reports, and guarded from human frailties that would lead us astray, we will be faithful in following the way that leads to the justice and peace that You promise. Amen.

ROLL CALL

The roll was called and all members were present except DeCamp & Duis excused; Messrs. Boughn and Simon who were excused until they arrive; and Mr. Newell who was absent until 10:15 a.m.

CORRECTIONS FOR THE JOURNAL

Page 1729, line 20, strike "16" and insert "15".
The Journal for the Seventy-Third Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Savage asked unanimous consent to be excused from 11:00 a.m. until he returns. No objections. So ordered.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1977, at 9:30 a.m., were the following bills: 30, 110, 238, 419, and 425.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 483. Replaced on Select File as amended.
E & R amendment to LB 483:

1. Renumber the new section added by the Nichol amendment as section 4 and original sections 2 to 4 as sections 5 to 7.

LEGISLATIVE BILL 290. Replaced on Select File as amended.
E & R amendments to LB 290:

1. In the Labedz amendments, page 3, line 10, strike the comma.

2. In the Labedz amendments, page 6, lines 23 and 24, strike the comma.

3. In the title, at the end of line 5 insert "to provide when a permit may be issued;"; and in line 6 strike "section" and insert "sections".

LEGISLATIVE BILL 427. Replaced on Select File as amended.
E & R amendments to LB 427:

1. In the F. Lewis amendments, page 1, line 23, strike "(5)" and insert "~~(5)~~ (6)".

2. 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.".

3. In the title, as amended, line 10, strike "and"; and in line 11 insert "; and to declare an emergency" after "sections".

LEGISLATIVE BILL 162. Replaced on Select File as amended.
E & R amendments to LB 162:

1. In the Newell amendments, page 11, line 24, strike "agenc o" and insert "agency to" as in the statutes.

2. In the title, line 10, strike "and".

3. In E & R 7, line 11, insert a comma before the first "and"; and in line 12 insert "; and to declare an emergency" after "1943".

LEGISLATIVE BILL 520A. Placed on Select File.

LEGISLATIVE BILL 532. Placed on Select File as amended.
E & R amendments to LB 532:

1. In committee amendments II, page 3, insert a comma at the end of line 13; on page 4, line 24, insert a comma after "team"; and on page 5, line 1, strike "expend" and insert "expand".

2. In committee amendments II, page 6, line 25, strike the comma; and on page 7, line 9, strike "positions" and insert "position".

3. In committee amendments II, page 10, line 2, strike "does" and insert "do"; in line 19, strike "commission provided" and insert "commissions; Provided,"; and on page 11, line 21, strike the comma.

4. In committee amendments II, page 14, line 19, strike the second "of" and insert "to".

5. On page 80, line 3, strike "and"; and in line 5 strike the period and insert "; and".

6. On page 85, line 6, strike "and"; and in line 8, strike the period and insert "; and".

7. In committee amendments 1, strike the period in lines 5, 7, 8, and 9.

LEGISLATIVE BILL 537. Placed on Select File.
LEGISLATIVE BILL 521. Placed on Select File.

LEGISLATIVE BILL 539. Placed on Select File as amended.
E & R amendments to LB 539:

1. Insert the new section added by the Barnett amendment as section 14 and renumber original sections 14 to 27 as sections 15 to 28.

2. On page 2, line 7, strike "25" and insert "26".

3. In new section 14, line 5, insert a comma after "disbursements" and "Nebraska State Patrol" after "the"; insert a comma after "1978" in line 7; insert "Nebraska" after "the" in lines 7 and 8; insert a colon at the end of line 11 and continue line 12 immediately thereafter; redesignate subdivisions (a) to (e) as (1) to (5) and subdivisions (i) and (ii) as (a) and (b); in line 13 insert "to include" after "expenditures" and strike "and/or" and insert "and any"; and insert "and" at the end of line 16.

4. Insert "the excess shall be" at the end of line 22, page 13, lines 7 and 13, page 14, and line 3, page 15.

5. On page 21, line 3, strike "does" and insert "do".

6. On page 24, line 23, strike "be :" and insert "be:".

7. On page 30, line 8, strike "25" and insert "26".

Correctly Engrossed

The following bills were correctly engrossed: 91, 338, 349, and 510.

Correctly Enrolled

The following bill was correctly enrolled: 485.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 485.

UNANIMOUS CONSENT–Withdraw Amendments to LB 328

Mr. Cullan aked unanimous consent to withdraw his pending amendments to LB 328 found in the Journal on pages 1710 and 1711. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 328. With Emergency.

A BILL FOR AN ACT relating to employment; to authorize deferred compensation plans for public employees 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, 43:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Rasmussen
Reutzel	Rumery	Savage	Schmit	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 1:

Nichol

Absent and not voting, 1:

Newell

Excused and not voting, 4:

Boughn DeCamp Duis Simon

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

MOTION—Override Veto on LB 45

Mr. Murphy renewed his pending motion found in the Journal on page 1650 to override the Governor's veto on LB 45.

The Chair ruled out of order the enlarged display of the Constitution.

Mr. Chambers challenged the ruling of the Chair.

The question is, "Shall the Chair be overruled?" The motion lost with 15 ayes, 19 nays, 11 present and not voting, and 4 excused and not voting.

The Chair was sustained.

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. Murphy requested a roll call vote on his motion to override.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 24:

Bereuter	Burrows	Carsten	Clark	Cope
Fitzgerald	George	Goodrich	Hefner	Kelly
Lamb	F. Lewis	R. Lewis	Marvel	Maxey
Murphy	Newell	Nichol	Rasmussen	Reutzel
Simon	Stoney	Swigart	Venditte	

Voting in the negative, 20:

Barnett	Brennan	Chambers	Cullan	Dworak
Fowler	Hasebroock	Kahle	Keyes	Koch
Kremer	Labedz	Luedtke	Maresh	Marsh
Mills	Moylan	Rumery	Schmit	Warner

Present and not voting, 1:

Merz

Excused and not voting, 4:

Boughn	DeCamp	Duis	Savage

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

ATTORNEY GENERAL'S OPINION

Opinion No. 80
April 29, 1977

Dear Senator Warner:

This is in response to your inquiry concerning the payment of the cost of patient care at the Douglas County Hospital pursuant to section 83-306, R.R.S. 1943; while you do not so state, we assume you desire this information to assist you in preparing legislation; therefore the following is offered on that basis.

The provision relating to payment by the state for patients admitted to the Douglas County Hospital is confined to subsection (3) of said section 83-306; there are three other subsections to said statute all of which relate to the state hospitals.

The only reference in said subsection (3) to patients being admitted to the Douglas County Hospital is to mentally ill dangerous persons committed by the mental health board. The section then provides:

> ". . . The county and state shall contribute toward the payment of the costs of such commitment, as defined in section 83-376, in an amount which would have been paid if such mentally ill dangerous person had become a patient and received care and treatment at a state hospital described in section 83-305; . . ." (Emphasis added.)

The subsection goes on to provide that a person committed to the Douglas County Hospital shall be considered committed to the State of Nebraska and the provisions of the commitment must be identical to those relating to commitment of a mentally ill dangerous person to a state hospital.

Everything in section 83-306 relating to admission and payment for patients in the Douglas County Hospital refers to committed patients and then only authorizes it as to mentally ill dangerous persons. There is no indication that it was meant to apply to persons voluntarily admitted at the Douglas County Hospital and, in fact, such persons, would have no adjudication that they were "mentally ill dangerous persons". The same provisions and observation could be made as to other public or private hospitals with acute psychiatric care facilities which have been certified by the Director of Medical Services as adequate for the care and treatment of mentally ill dangerous persons referred to in said statute.

For these reasons, it is our opinion that section 83-306, R.R.S. 1943, only provides for payment by the State of Nebraska toward the costs of mentally ill dangerous persons committed by a mental health board to the Douglas County Hospital or other public or private hospitals as described therein.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

UNANIMOUS CONSENT–Print Amendments to LB 522

Mr. Warner asked unanimous consent to print the following amendments to LB 522 in the Journal. No objections. So ordered.

Committee amendment to LB 522 (Select File)
Add new section – Section 20

Sec. 20. Program 906. The Department of Correctional Services is hereby authorized to replace the boiler at Kearney Youth Development Center. There is hereby appropriated $50,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1977 to make the boiler replacement.

Renumber Section 20 and 21 as Sections 21 and 22.

UNANIMOUS CONSENT—Print Amendments to LB 531

Mr. Warner asked unanimous consent to print the following Appropriations Committee amendments to LB 531 in the Journal. No objections. So ordered.

Appropriation Committee Amendment to LB 531

1. Purpose: To change appropriation language to insure conformity with LB 514.
On page 10, line 20, after "146 –", insert "Aid to" and on line 21, strike "Fund."
Cn page 15, line 21, strike "Governmental Subdivision Fund" and "Personal"; on line 22, strike "Property Tax Relief Fund."

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Warner asked unanimous consent to print the following Appropriations Committee amendments to LB 532 in the Journal. No objections. So ordered.

Amendments to LB 532 (1)

PURPOSE: To provide 6,000 in General Fund to the Nebraska Center for Women at York to be used to match available federal funds for vocational training and education programs.
On page 38, line 11, strike "741,789" and insert "747,789".
On page 38, line 14, strike "920,690" and insert "926,690".
On page 38, line 17, after the period, insert the following:
There is included in the amount shown $6,000 in General Fund to be used as matching funds for the federal funds available to develop and implement vocational training and education programs.
On page 41, line 9, strike "14,674,072" and insert "14,680,072".
On page 41, line 13, strike "18,231,926" and insert "18,237,926".

Amendments to LB 532 (2)

1. Purpose: To amend the appropriation language to clarify that the General Funds appropriated to the Department of Administrative Services – Program No. 191 – Law Enforcement – Indian Affairs include the General Funds for alcohol rehabilitation.
On page 50, on line 27, after the word "funds" insert "for law enforcement and jail operation"
On page 51, after line 2 insert "There is also appropriated to the department the equivalent of 15 mills on assessed land value for disbursement under the provisions of 23-362.03"
2. Purpose: To clarify the personal service limitation for the State staff of the Nebraska Commission on Law Enforcement and Criminal Justice.

On page 58, line 12, insert after "$278,500": The personal services and continuation salary base limitations are applicable only to the employees of the State Planning Office of the Nebraska Commission on Law Enforcement and Criminal Justice. If, during FY 1977-78, persons previously employed by regional planning units are paid through the offices of the Nebraska Commission on Law Enforcement and Criminal Justice, such expenditures shall not be considered part of the personal services and salary base continuation limitations. If regional planning unit employees are compensated through the Nebraska Commission on Law Enforcement and Criminal Justice, the Commission shall submit with the 1977-78 budget request a report listing those regional planning unit criminal justice planner positions and their respective salaries as of July 1, 1977.

3. Purpose: This amendment corrects personal service limitations only and does not affect the actual appropriation.

On page 59, line 9, strike "76,603" and insert "91,762".

On page 59, line 10, strike "69,350" and insert "80,391".

4. Purpose: To unlimit the cash fund expenditure authority in the Department of Aeronautics, Program No's. 026 – Development and Enforcement and 596 – State-Owned Aircraft.

On page 4, after lines 5 and 19, insert the following language:

"Cash Fund expenditures shall not be limited to the amount shown."

5. Purpose: Pursuant to the passage of LB 81 and LB 81A on April 21, 1977 the Game and Parks Commission requests to transfer two (2) Conservation Officers from Program 336, Wildlife Conservation, to Program 549, Parks Administration. These positions would be utilized to enforce the provisions of LB 81. This transfer would amount to a $31,396 decrease in Program 336, Cash Fund, and a $31,396 increase in Program 549 Cash Fund, along with appropriate changes in personal services, salary limitations, and program totals.

Page 31, line 17, strike "4,666,963" and insert "4,635,567".

Page 31, line 19, strike "4,854,079" and insert "4,822,683".

Page 31, line 21, strike "2,745,246" and insert "2,713,850".

Page 31, line 22, strike "2,261,621" and insert "2,234,382".

Page 32, line 11, strike "700,000" and insert "731,396".

Page 32, line 12, strike "2,899,710" and insert "2,931,106".

Page 32, line 14, strike "1,834,219" and insert "1,865,615".

Page 32, line 15, strike "1,055,968" and insert "1,083,207".

6. Purpose: To eliminate $130,000 Cash Funds appropriated to the Department of Revenue. These Cash Funds were to be received by contract from Agency 60, Agricultural Products Industrialization Committee. This amendment will make LB 532 consistent with LB 530 as amended by the Senator Richard Lewis amendment.

On page 3, strike line 2, and on line 4, strike "253,923" and insert "123,923"; on page 3, strike lines 5 to 8; on page 3, line 20, strike "132,501" and insert "94,808"; and on line 11 strike "116,579" and insert "85,172"; on page 3, line 19, strike "285,291" and insert "155,291"; and on line 22, strike "27,966,801" and insert "27,836,801".

UNANIMOUS CONSENT—Print Amendments to LB 539

Mr. Warner asked unanimous consent to print the following amendments to LB 539 in the Journal. No objections. So ordered.

APPROPRIATIONS COMMITTEE
AMENDMENT TO LB 539

1. PURPOSE: To ensure that the Nebraska Commission on Drugs and the State Department of Education cooperate in implementing the Peer Dynamics Program in the elementary and secondary schools, as requested by the participating schools.

On page 23, after line 8, insert a new section 20.

Section 20. Nebraska Commission on Drugs. It is the intent of the Legislature that prior to awarding grants to elementary and secondary schools, the Nebraska Commission on Drugs shall consult with the State Department of Education.

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Dworak asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

Purpose: This amendment would give uniformed troopers the same salary increase as all state employees (3% plus $240). The State Patrol's budget would be adjusted by the amount of the proposed longevity incentive salary increase. The proposed increase is based on the following years of service: 1-5 years, 2%; 6-10 years, 3%; 11-15 years, 4%; 16 and more years, 5%. A recent survey (September, 1976) by the Department of Personnel indicates that the Nebraska State Patrol salary levels and fringe benefits compare very favorably with the 6 surrounding states.

On page 48, line 6 strike "4,009,261" and insert "3,982,215".
On page 48, line 8 strike "4,039,261" and insert "4,012,215".
On page 48, line 10 strike "1,704,727" and insert "1,677,681".
On page 48, line 11 strike "1,445,820" and insert "1,418,774".
On page 48, line 13 strike "1,916,442" and insert "1,875,642".
On page 48, line 16 strike "2,189,872" and insert "2,149,072".
On page 48, line 18 strike "1,639,366" and insert "1,598,566".

On page 48, line 19 strike "1,357,320" and insert "1,316,520".
On page 48, line 22 strike "4,974,739" and insert "4,836,652".
On page 48, line 24 strike "5,109,739" and insert "4,971,652".
On page 48, line 26 strike "4,681,548" and insert "4,543,461".
On page 48, line 27 strike "3,945,175" and insert "3,807,088".
On page 49, line 3 strike "10,900,442" and insert "10,694,509".
On page 49, line 6 strike "11,338,872" and insert "11,132,939".

MOTION–Expedite Bills

Speaker Luedtke moved that effective this date all bills be expedited for delivery to the office of the Governor for the duration of the Eighty-Fifth Legislature, First Session.

The motion prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

MOTION–Priority Bills

Mr. Chambers moved that individual's priority bills be considered before committee priority bills.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Chambers motion lost with 17 ayes, 19 nays, 9 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT–Print Amendments to LB 532

Mrs. Labedz asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

Purpose: To provide funds to implement a longevity pay plan for Conservation Officers within the Game and Parks Commission.
On page 30, line 25, strike "135,020" and insert "137,365";
On page 30, line 27, strike "190,918" and insert "193,263";
On page 31, line 2, strike "115,501" and insert "117,846";
On page 31, line 3, strike "92, 314" and insert " 94, 411";
On page 31, line 16, strike "107,116" and insert "107,586";
On page 31, line 17, strike "4,666,963" and insert "4,689,971";
On page 31, line 19, strike "4,854,079" and insert "4,877,557";
On page 31, line 21, strike "2,745,246" and insert "2,768,724";
On page 31, line 22, strike "2,261,621" and insert "2,282,625";
On page 32, line 10, strike "2,199,710" and insert "2,202,234";

On page 32, line 11, strike "700,000" and insert "700,797";
On page 32, line 12, strike "2,899,710" and insert "2,903,031";
On page 32, line 14, strike "1,834,219" and insert "1,837,540";
On page 32, line 15, strike "1,055,968" and insert "1,058,987";
On page 33, line 7, strike "4,412,718" and insert "4,415,712";
On page 33, line 8, strike "7,868,426" and insert "7,894,576";
On page 33, line 10, strike "12,417,042" and insert "12,446,186".

Mr. R. Lewis asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 532

Purpose: To provide $30,803 to the Department of Agriculture so that a new fee schedule for reimbursement of private veterinarians may be implemented.
On page 6, line 8, strike "635,034" and insert "665,837";
On page 6, line 11, strike "1,385,280" and insert "1,416,083";
On page 9, line 5, strike "2,294,054" and insert "2,324,857";
On page 9, line 8, strike "4,846,131" and insert "4,876,934".

EASE

The Legislature was at ease from 11:35 a.m. until 11:53 a.m. to caucus to recommend members for the Postsecondary Education Advisory Committee and Telecommunications Committee.

Report of Caucus on
Postsecondary Education Advisory Committee

1st District	2nd District	3rd District
Murphy	Koch	Cullan
Bereuter	Fitzgerald	Marvel

Report of Caucus on
Telecommunications Committee

1st District	2nd District	3rd District	4th District
Fowler	Brennan	Kelly	Rasmussen
Burrows	Goodrich	George	Clark

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 530.

Correctly Enrolled

The following bill was correctly enrolled: 328.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 328.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1977, at 11:45 a.m., was the following bill: 485.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORTS

Nebraska Retirement Systems

LEGISLATIVE BILL 198. Placed on General File as amended.
Standing Committee amendments to LB 198:

1. Strike original section 1 and insert a new section 1 as follows:

"Section 1. To reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement of certain persons of the University of Nebraska who have earned retirement benefits while in the employ of the University of Nebraska prior to September 1, 1961, commencing July 1, 1977:

(1) The total accumulation of retirement benefits earned under the retirement plan in force prior to September 1, 1961, shall be adjusted by the percentage of increase in the employer's wage levels which shall mean the average of salaries paid for the nine month academic year to employees from the year of each person's retirement to the fiscal year ending June 30, 1977, which total, as adjusted, shall then be the total accumulation of retirement benefits prior to Sepetember 1, 1961; and

(2) The two thousand four hundred dollar maximum benefits provision under the university retirement plan in effect prior to September 1, 1961, is removed.".

LEGISLATIVE BILL 346. Placed on General File as amended.
Standing Committee amendment to LB 346:

1. On page 2, line 3, after "shall" insert "upon approval of the county board,"; and in lines 5 and 7, strike "may" and insert "shall".

(Signed) William H. Hasebroock, Chairman

UNANIMOUS CONSENT—Members Excused

Messrs. F. Lewis, Schmit, and Murphy asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 49 seniors and sponsors from Crofton, Nebraska; 21 fourth grade students and sponsors from Wakefield Public School, Wakefield, Nebraska; 37 sixth grade students and sponsors from St. Isidore School, Columbus, Nebraska; 27 fourth grade students and sponsors from St. John Lutheran School, Seward, Nebraska.

RECESS

At 11:55 a.m., on a motion by Speaker Luedtke, 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, Duis, F. Lewis, Mills, Murphy, and Schmit who were excused; and Messrs. Boughn, Kremer, and Savage who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 257. Replaced on Select File as amended.
E & R amendments to LB 257:

1. In the Rasmussen amendments found on page 1618 of the Journal, in line 10, insert ", created by section 77-340, Reissue Revised Statutes of Nebraska, 1943" after "Revenue"; and in line 13 insert a comma after "Services".

2. In E& R 1, adopted 4/1, line 6, insert ", created by section 81-1201, Reissue Revised Statutes of Nebraska, 1943" after "Development"; and in line 9 insert ", created by section 84-133, Reissue Revised Statutes of Nebraska, 1943" after "Programming".

LEGISLATIVE BILL 522. Placed on Select File as amended.
E & R amendments to LB 522:

1. On page 28, line 22, strike "1,707,725" and insert "1,767,725".

2. On page 33, lines 12 and 14, show as stricken the matter stricken by the Warner amendment 2.

3. In the title, line 4, strike "section 2" and insert "sections 34, 61, 69, and 73"; in line 6 insert "sections 2, 10, and 17, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976," after the second comma; and strike beginning with "section" in line 7 through the second comma in line 9.

LEGISLATIVE BILL 504. Placed on Select File as amended.
E & R amendment to LB 504:

1. In the Maresh amendments, insert a comma at the end of line 11.

LEGISLATIVE BILL 347. Placed on Select File as amended.
E & R amendment to LB 347:

1. On page 5, line 24, strike "their" and insert "his".

LEGISLATIVE BILL 4. Placed on Select File as amended.
E & R amendments to LB 4:

1. On page 10, line 18, strike the comma.

2. In the title, strike lines 2 to 6 and insert:
"FOR AN ACT to amend sections 49-1415, 49-1434, 49-1480 to 49-1489, and 49-1492, Revised Statutes Supplement, 1976, relating to the Nebraska Political Accounting and Disclosure Act; to redefine a term; to change provisions regulating lobbyists and their principals; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 139. Placed on Select File as amended.
E & R amendment to LB 139:

1. In the title, strike beginning with "relating" in line 2 through the semicolon in line 4.

LEGISLATIVE BILL 263A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 69. Read and considered.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

LR 69 was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 71. Read and considered.

LR 71 was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 2, 1977, at 1:45 p.m., was the following bill: 328.

(Signed) Barbara Jackson, Enrolling Clerk

GENERAL FILE

LEGISLATIVE BILL 533. Title read. Considered.

Mr. Koch renewed his pending amendment found in the Journal on page 1572.

Mr. Koch moved for a Call of the House. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 22 ayes, 3 nays, and 24 not voting.

The Koch amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Maxey asked unanimous consent to withdraw her pending amendment found in the Journal on page 1588. No objections. So ordered.

Mr. Kelly renewed his pending amendment found in the Journal on page 1613.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 2 nays, and 24 not voting.

Mr. Kelly requested a record vote on the amendment.

Voting in the affirmative, 2:

Kelly	Merz

Voting in the negative, 26:

Barnett	Bereuter	Carsten	Clark	Cope
Cullan	Dworak	George	Goodrich	Hasebroock
Kahle	Keyes	Kremer	Lamb	Maresh
Marsh	Marvel	Moylan	Nichol	Rasmussen
Reutzel	Rumery	Simon	Swigart	Venditte
Warner				

Present and not voting, 13:

Brennan	Burrows	Chambers	Fitzgerald	Fowler
Hefner	Koch	Labedz	R. Lewis	Luedtke
Maxey	Newell	Stoney		

Excused and not voting, 8:

Boughn	DeCamp	Duis	F. Lewis	Mills
Murphy	Savage	Schmit		

The Kelly amendment lost with 2 ayes, 26 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Fitzgerald asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kelly renewed his pending amendment found in the Journal on page 1649.

Mr. Koch offered the following amendment to the Kelly amendment:

Strike $64,696 and insert $129,000 to the general fund support earmarked for Sun.

Page 23 - after line 20 insert $129,000 for 64, 696 Gen Fund

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 18:

Bereuter	Cope	Dworak	Fowler	Goodrich
Hasebroock	Koch	Kremer	Labedz	Luedtke
Marsh	Marvel	Maxey	Merz	Newell
Rumery	Simon	Warner		

Voting in the negative, 19:

Barnett	Brennan	Burrows	Carsten	Clark
Cullan	George	Kelly	Keyes	Lamb
R. Lewis	Maresh	Moylan	Nichol	Rasmussen
Reutzel	Stoney	Swigart	Venditte	

Present and not voting, 3:

Chambers	Hefner	Kahle

Excused and not voting, 9:

Boughn	DeCamp	Duis	Fitzgerald	F. Lewis
Mills	Murphy	Savage	Schmit	

The Koch amendment lost with 18 ayes, 19 nays, 3 present and not voting, and 9 excused and not voting.

Mr. Kelly requested a record vote on his amendment.

Voting in the affirmative, 21:

Barnett	Burrows	Carsten	Clark	Cullan
Dworak	George	Hefner	Kahle	Kelly
Keyes	Labedz	Lamb	R. Lewis	Maresh
Moylan	Nichol	Rasmussen	Stoney	Swigart
Venditte				

Voting in the negative, 19:

Bereuter	Brennan	Chambers	Cope	Fowler
Goodrich	Hasebroock	Koch	Kremer	Luedtke
Marsh	Marvel	Maxey	Merz	Newell
Reutzel	Rumery	Simon	Warner	

Excused and not voting, 9:

Boughn	DeCamp	Duis	Fitzgerald	F. Lewis
Mills	Murphy	Savage	Schmit	

The Kelly amendment lost with 21 ayes, 19 nays, and 9 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

MOTION–Reconsider Action on LB 64

Mr. Merz renewed his pending motion found in the Journal on page 1621 to reconsider action on LB 64 to indefinitely postpone.

The motion prevailed with 26 ayes, 7 nays, 7 present and not voting, and 9 excused and not voting.

Mr. Chambers asked unanimous consent to bracket LB 64 until January 9, 1978.

Mr. Rasmussen objected.

Mr. Chambers moved to bracket until January 9, 1978.

The motion prevailed with 27 ayes, 8 nays, 5 present and not voting, and 9 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 533. Considered.

Mr. Warner offered the following amendment:

Committee Amendment 1 to LB 533

I. These amendments a) correct a technical error and add $11,595 in General Funds to Central Administration, University of Nebraska; b) increase personal services limitations; and c) correct editing errors.

1. On page 18, line 1, strike "10,680,875" and insert "10,692,470"; and in line 4, strike "15,346,213" and insert "15,357,808".

2. On page 20, line 8, strike "11,360,914" and insert "11,514,818"; and in line 9, strike "9,854,280" and insert "10,009,765".

3. On page 21, line 20, strike "20,618,299"

and insert "20,629,894"; and in line 24, strike "115,957,216" and insert "115,968,811".

4. On page 23, line 22, strike "35,268,753" and insert "35,360,605"; and in line 23, strike "31,988,871" and insert "32,050,167".

5. On page 26, line 10, strike "79,651" and insert "158,945"; and in line 11, strike "71,913" and insert "138,205".

6. On page 27, line 9, strike "13,683,761" and insert "13,859,676"; and in line 10, strike "12,319,538" and insert "12,466,396".

7. On page 28, line 22, strike "revolving" and insert "renovation".

8. On page 33, line 21, strike "University Hospital Cash Fund" and insert "University of Nebraska Medical Center Cash Fund".

II. These amendments increase General Funds by $265,633 to replace the loss of Federal Funds for the University of Nebraska – Lincoln Nursing Program.

1. On page 27, line 27, strike "22,203,739" and insert "22,469,372" and on page 28, line 4, strike "44,177,067" and insert "44,442,700"

2. On page 28, line 5, strike "272,011" and insert "537,644"; and after line 15, insert:

"(b) Loss of Federal Funds

(i) Lincoln Nursing Program 265,633".

3. On page 29, line 9, strike "23,930,908" and insert "24,196,541" and on line 13, strike "45,904,236" and insert "46,169,869".

III. This amendment earmarks $25,000 for a Turf Grass Program within the General Improvement category of the Institute of Agriculture and Natural Resources, University of Nebraska – Lincoln.

1. On page 19, line 3, strike "460,000" and insert "435,000" and after line 7, insert:

"(iv) Turf Grass Program 25,000.

IV. Amendments to LB 533 for Agency 50-1, 50-2, 50-4

A. Amendments for Chadron State College 50-1

These amendments 1) correct errors in the distribution of funds among budget programs, and 2) add $159,766 in general funds to Budget Program 842, Academic Support and Student Services to correct a personal services calculation error.

1. On page 3, line 14, strike "1,828,166" and insert "1,641,708"; in line 17, strike "2,592,940" and insert "2,406,482"; in line 23, strike "2,001,730" and insert "2,055,362"; and in line 25, strike "1,749,901" and insert "1,834,100".

2. On page 4, line 2, strike "1,800,789" and insert "1,592,322"; in line 5, strike "2,277,655" and insert "2,069,188"; in line 7, strike "20,470" and insert "34,761"; in line 10, strike "88,588" and insert "102,879"; in line 12, strike "6,907" and insert "14,625"; in line 14, strike "226,697" and insert "234,415"; in line 17, strike "487,026" and insert "838,574"; in line 20, strike "1,709,381" and insert "2,060,929"; in line 25, strike "677,421" and insert "906,251"; and in line 27, strike "590,676" and insert "835,274".

3. On page 5, line 4, strike "451,826" and insert "459,934"; in line 7, strike "580,424" and insert "588,532"; in line 9, strike "35,200" and insert "378,640"; in line 12, strike "1,128,957" and insert "1,472,397"; in line 14, strike "752,680" and insert "747,356"; in line 16, strike "984,841" and insert "979,517"; and in line 26, strike "752,680" and insert "747,356".

4. On page 6, line 1, strike "984,841" and insert "979,517"; and in line 24, strike "3,305,100" and insert "3,464,866".

5. On page 7, line 1, strike "5,916,481" and insert "6,076,247".

B. Amendments for Kearney State College 50-2

These amendments 1) correct errors in the distribution of funds among budget programs; 2) add $40,054 in Revolving Funds to the Budget Program 862, Kearney Campus Utilities; and 3) correct the personal services limitations.

1. On page 7, line 6, strike "3,371,958" and insert "3,396,509"; in line 9, strike "5,456,566" and insert "5,481,117"; in line 14, strike "5,145,120" and insert "5,562,825"; in line 16, strike "4,439,335" and insert "4,807,537"; in line 20, strike "3,264,630" and insert "3,307,380"; in line 22, strike "4,778,136" and insert "4,820,886"; in line 24, strike "57,861" and insert "39,662"; and in line 27, strike "238,556" and insert "220,357".

2. On page 8, line 16, strike "1,422,853" and insert "1,393,643"; in line 19, strike "3,398,950" and insert "3,369,740"; in line 23, strike "1,189,621" and insert "1,160,411"; and in line 25, strike "1,050,590" and insert "1,024,885".

3. On page 9, line 2, strike "859,475" and insert "830,265"; in line 4, strike "1,251,825" and insert "1,222,615"; in line 11, strike "1,267,607" and insert "1,272,266"; in line 13, strike "1,507,643" and insert "1,512,302"; in line 15, strike "123,937" and insert "1,236,596";

in line 17, strike "104,880" and insert "1,047,537"; in line 21 strike "1,267,607" and insert "1,272,266"; in line 23, strike "1,507,643" and insert "1,512,302"; and in line 27, strike "144,540" and insert "184,594".

4. On page 10, line 1, strike "505,606" and insert "545,660"; in line 22, strike "850,305" and insert "890,359"; and in line 23, strike "11,775,636" and insert "11,815,690".

C. Amendments for Wayne State College 50-4

These amendments 1) correct errors in the distribution of funds among budget programs with no change in the total Agency Appropriation; and 2) correct the personal services limitations.

1. On page 14, line 12, strike "1,382,454" and insert "1,310,228"; in line 13, strike "1,123,448" and insert "1,084,617"; in line 15, strike 2,532,402" and insert "2,421,345"; in line 17, strike ',2,206,341" and insert "2,151,615"; in line 19, strike "1,901,066" and insert "1,853,178"; in line 26, strike "1,365,193" and insert "1,292,967"; and in line 27, strike "1,099,570" and insert "1,060,739".

2. On page 15, line 2, strike "2,491,263" and insert "2,380,206"; in line 12, strike "875,868" and insert "869,615"; in line 13, strike "302,651" and insert "341,482"; in line 15, strike "1,839,019" and insert "1,871,597"; in line 20, strike "566,809" and insert "604,948"; in line 22, strike "474,984" and insert "509,214"; and in line 27, strike "2,800" and insert "41,631".

3. On page 16, line 2, strike "592,097" and insert "630,928"; in line 4, strike "302,571" and insert "296,318"; in line 7, strike "1,246,922" and insert "1,240,669"; in line 9, strike "859,292" and insert "937,771"; in line 11, strike "914,117" and insert "992,596"; in line 15, strike "783,622" and insert "862,101"; in line 17, strike "701,806" and insert "770,868"; in line 21, strike "859,292" and insert "937,771"; and in line 23, strike "914,117" and insert "992,596".

VI. This amendment specifies the new and expanded programs included in the 1977-78 appropriation to State Colleges.

1. On page 3, after line 5, insert: Based on the budget requests submitted by the Board of Trustees, there is hereby included in the appropriations for the State Colleges, General Funds for the following new or expanded programs: Historical-Multi-Cultural Studies (Chadron), Nursing (Kearney), Library Media Center (Peru), and Faculty Improvement (Wayne). Not included in the General Fund appropriations for the State Colleges are the following new and expanded or workload program

requests: Scottsbluff Education Center (Chadron), Masters Business Administration (Kearney), Criminal Justice (Kearney), Educational Specialist (Kearney), Business Finance Program (Peru), Bond Revenue Facility Rental (Wayne), and Admissions Recruiters (Chadron, Peru, Wayne).

2. On page 3, after line 21, insert: Not included in the General Fund appropriation for Program 841 is $38,421 for the Scottsbluff Educational Center and in Program 843, $35,514 for admissions recruiters.

3. On page 7, after line 16, insert: Not included in the General Fund appropriation for Program 845 are the following program requests: $16,150 for the Masters Business Administration, $18,200 for the Educational Specialist, and $25,827 for Criminal Justice.

VI. 4. On page 11, after line 8, insert: Not included in the General Fund appropriation for Program 849 is $20,000 for a Major in Business Finance and in Program 851, $25,000 for Admissions recruiters.

5. On page 16, after line 13, insert after "recruiters": and $60,000 for bond revenue facilities rental.

VII. To amend the salary policy language in LB 533, to make consistent with the language in the legislative intent bill for LB 533.

1. On page 31, strike lines 21 to 27.

2. On page 32, strike lines 1 to 18 and insert:

It is the intent of this Legislature to assure that increases are given to all deserving employees on a fair and impartial basis. To assure that this intent is carried out, the Board of Trustees and the Presidents of the State Colleges shall monitor and review the distribution of salary dollars, giving special consideration to instructional faculty of the Instructor and Assistant Professor rank consistent with the Board of Trustee's salary policy and giving due consideration to inequities between colleges and instructional ranks.

On or before February 1, 1978, the Board of Trustees of the Nebraska State Colleges and the Board of Regents of the University of Nebraska shall each file with the Clerk of the Legislature a salary distribution report that identifies the way in which new salary dollars were distributed by each college or campus, to include (1) the number of employees given increases, (2) the average amount and the range of the increases, (3) the total amount spent by rank for salary increases. The report shall also identify the distribution of new salary dollars by rank, tenure status, sex, and department of instruction.

V. This amendment establishes special accounts within the University of Nebraska campus accounting systems for receipt and expenditure of overhead costs associated with grants and contracts.

1. On page 20, after line 6, insert: The University of Nebraska campuses shall establish special accounts within their respective accounting systems through which they shall receipt and expend overhead costs associated with grants and contracts. Such accounts shall include those overhead receipts and expenditures in excess of those estimated in the University of Nebraska budget request for 1977-78. Such overhead funds shall be distributed back to the programs in which the costs are incurred. This distribution shall be in accord with federal auditing agency procedures and guidelines, and shall be available for inspection by the appropriate government officials. It is the intent of the Legislature that the University of Nebraska shall have the authorization to expend above the cash ceilings as shown in Legislative Bill 533, Eighty-fifth Legislature, First Session, 1977, in an amount not to exceed $500,000 at the University of Nebraska-Lincoln and the University of Nebraska Medical Center campuses, and $200,000 at the University of Nebraska at Omaha campus, for the purpose of receipting and expending overhead costs. The authorization to exceed the Cash Fund ceiling is granted only to the extent such funds are available. Authorization is also given to exceed the personal service limitation to the extent such overhead costs are authorized for personal service expenditures.
VIII. Strike subsection (1) of Section 22 and insert:
(1) Expenditures for personal services shall be limited to the amount shown, except when federal funds in excess of the amount shown are available and have actually been reviewed by the Executive Board or the Legislative Council and approved by the Governor pursuant to sections 81-1131 to 81-1138, Revised Statutes Supplement, 1976. The Governor shall submit a report of positions and funds approved to the Legislature on January 10, 1978, and June 30, 1978. Personal services expenditures from such grants shall be in addition to the personal services limitations otherwise shown within this act. No agency shall request any state funds for continuation or replacement of any such personnel or activities in future budget requests. To the extent feasible, requests for increases in the personal service limitation shall be addressed to the Appropriations Committee when the Legislature is in session.
IX. Insert a new section to read: 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.

Mr. Warner moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

The Warner amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

NOTICE OF COMMITTEE HEARING
Education

LB 540 Monday, May 9, 1977 12:00 Noon

(Signed) Frank Lewis, Chairman

UNANIMOUS CONSENT—Add Co-Introducers to LR 70

Messrs. Luedtke, Merz, Brennan, Cullan, Chambers, Dworak, Fitzgerald, Marvel, Venditte, Fowler, Burrows, Keyes, Rumery, and Mrs. Labedz asked unanimous consent to add their names to LR 70. No objections. So ordered.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 343. Placed on General File as amended.
Standing Committee amendments to LB 343:

1. On page 3, line 23, strike the new matter and reinstate the old matter; in line 24, after the period, insert "Any county, by a majority vote of the county board, may establish the contribution rate at four and one half per cent of the employees' salary for each pay period. Such establishment of the contribution rate at four and one half per cent shall be irrevocable.".

2. On page 4, line 6, strike beginning with "may" through line 9 showing the old matter as stricken, and insert "whose retirement benefit is less than twenty-five dollars per month on the straight life annuity option may elect to receive a lump sum settlement equal to the retirement value in lieu of an annuity.".

(Signed) William H. Hasebroock, Chairman

UNANIMOUS CONSENT—Unbracket LB 232

Mr. Fowler asked unanimous consent to unbracket LB 232. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 542. Title read. Considered.

Advanced to E & R for Review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 543. Title read. Considered.

Mrs. Labedz offered the following amendment:

On page 7, line 27, after "request.", insert a new Section 7 as follows and renumber remaining sections.

Sec. 7. Agency No. 51-3 University of Nebraska Medical Center.

Program No. 731 -- Instruction, Research, Extension, Hospitals, Institutes and Clinics

It is the intent of the Legislature that no funds appropriated under this program shall be expended in any manner which facilitates the performance of abortions, except to the extent necessary to meet educational requirements of a balanced medical curriculum. The Board of Regents shall see to it that accurate records are kept of the number of abortion procedures performed at the University of Nebraska Medical Center from the effective date of this Act and shall, during budget hearings for fiscal year 1978-79, formally report the total to the Legislature together with comparative figures on all other individual operative procedures performed during the same period.

Mr. Koch offered the following amendment to the Labedz amendment:

After abortion procedures insert and vasectomies.

Mr. Venditte 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 Koch amendment to the Labedz amendment lost with 9 ayes, 17 nays, 16 present and not voting, and 7 excused and not voting.

The Labedz amendment pending.

MESSAGE FROM THE GOVERNOR

April 29, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 7.
This bill was signed by me on April 29, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

UNANIMOUS CONSENT–Print Amendment to LB 298

Mr. Kelly asked unanimous consent to print the following amendment to LB 298 in the Journal. No objections. So ordered.

Amendment to LB 298

1. On page 7, line 20 after "department" insert "shall protect against the unnecessary loss of rights and".

RESOLUTIONS

LEGISLATIVE RESOLUTION 72.

Introduced by Koch, 12th District.

WHEREAS, the structure and operation of the committee system of the Legislature is vital to the investigation and understanding of legislation by both the public and the legislators; and

WHEREAS, in the recent past, debate has arisen regarding whether a legislative bill had been properly referred to or heard by the appropriate committee; and

WHEREAS, the established Legislative committees have been forced to accomodate many changes in political and legislative issues; and

WHEREAS, there has never been a specific exploration of the Legislature's committee structure and the subject matter with which such committees should be concerned.

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

1. That a special committee, composed of the chairmen of each of the Legislature's standing committees and chaired by the chairman of the Executive Board, conduct an interim study to investigate the Legislative committee structure in general and the various legislative issues and other subject matter which the Legislative committees should address.

2. That this special committee study all reasonable alternatives for revising and redeveloping the several Legislative committees.

3. That this special study committee make a report to the entire Legislature not later than the first day of the next regular session, setting forth its recommendations for committee restructuring, and also suggest to the Legislature that such recommendations be considered and implemented by the entire body as expeditiously as may be practicable.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 73.

Introduced by Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman.

WHEREAS, the issues of taxation, real estate valuations, and personal property valuations are of great concern to the citizens of this state and of continuing interest to the Nebraska Legislature; and

WHEREAS, the present property tax applied at generally equal rates to both land and improvements results in a less than optimal use of land, and, as a tax on improvements, it retards rehabilitation and discourages intensive use of land; and

WHEREAS, the taxation of mobile homes as personal property based on valuation has contributed little to a community's tax base; and

WHEREAS, much debate has ensued over proposed administrative and legislative remedies to the problems of taxation and valuation.

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

1. That the Constitutional Revision and Recreation Committee conduct an interim study for the purpose of addressing the issues outlined above.

2. That the Committee specifically investigate the areas of site value taxation for real estate and a special tax levy on mobile homes.

3. That the Committee submit a report of its findings along with any recommendations regarding legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 74.

Introduced by Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman.

WHEREAS, an efficient and orderly political process is desired by all citizens interested in government; and

WHEREAS, all efforts possible should be undertaken to attract worthy and responsible citizens to serve in state government; and

WHEREAS, Constitutional and statutory changes are proposed in each session of the Legislature in an attempt to improve the political process and governmental relations; and

WHEREAS, the Nebraska Unicameral Legislature and the citizens of the State of Nebraska entertain a close personal relationship.

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

1. That the Constitutional Revision and Recreation Committee conduct an interim study to address the issues presented above.

2. That the Committee study particularly the issues of a partisan legislature and senatorial wages.

3. That the Committee actively seek to honor citizen suggestions for improved government relations and educate the citizens of this state regarding the demands of government service.

4. That the Committee submit a report of its findings along with any recommendations relative to legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 75.

Introduced by Constitutional Revision and Recreation Committee: Koch, 12th District, Chairman.

WHEREAS, the Nebraska Game and Parks Commission plays a key role in the administration of lands and programs dedicated to the preservation of Nebraska natural resources and the recreational activities of its citizens; and

WHEREAS, current budgetary proposals may tend to unduly limit the services which the Game and Parks Commission could offer in attempting to keep pace with the demands imposed by the need to protect nature and our recreational opportunities; and

WHEREAS, a thorough examination of all data relative to the activities of the Game and Parks Commission should be conducted prior to making policy and fiscal decisions relating to the Commission which could have far reaching implications for its future operations.

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

1. That the Constitutional Revision and Recreation Committee conduct an interim study of the Nebraska Game and Parks Commission to determine its financial needs as well as all improvements it might be able to offer as are needed for parks and recreational facilities of the state.

2. That the committee make a report of its findings together with any recommendations for legislative action at the next regular session of the Legislature.

Referred to the Excutive Board.

GENERAL FILE

LEGISLATIVE BILL 543. Considered.

Mrs. Labedz renewed her pending amendment found in this day's Journal.

Mr. Reutzel requested a record vote on the Labedz amendment.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Voting in the affirmative, 27:

Bereuter	Brennan	Carsten	Cope	Cullan
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	Lamb	R. Lewis	Maresh	Marvel
Merz	Moylan	Rasmussen	Rumery	Stoney
Swigart	Venditte			

Voting in the negative, 8:

Boughn	Chambers	Clark	Fowler	Koch
Marsh	Nichol	Reutzel		

Present and not voting, 7:

Barnett	Burrows	Luedtke	Maxey	Newell
Simon	Warner			

Excused and not voting, 7:

DeCamp	Duis	F. Lewis	Mills	Murphy
Savage	Schmit			

The Labedz amendment was adopted with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Carsten asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Warner offered the following amendment:
On p. 5, line 6, after $500,000 insert the word "each".

The amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 544. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 536. Title read. Considered.

Standing Committee amendments found in the Journal on page 1733 for the Seventy-Third Day were adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 450. E & R amendment found in the Journal on page 1717 for the Seventy-Third Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 182. E & R amendments found in the Journal on page 1717 for the Seventy-Third Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 390. Mr. Cullan offered the following amendment to the E & R amendments:
Line 4, change 1977 to 1978
Line 7 strike "calendar" and insert "fiscal".

The Cullan amendment was adopted.

E & R amendments found in the Journal on page 1717 for the Seventy-Third Day were adopted as amended.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT – Print amendment to LB 532

Mr. Barnett asked unanimous consent to print the following amendment to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

Purpose: To provide for the salaries and related operating costs of two Deputy State Fire Marshals.
On page 11, line 14, strike "378,476" and insert "422,164";
On page 11, line 17, strike "658,588" and insert "702,276";
On page 11, line 19, strike "426,468" and insert "450,468";
On page 11, line 20, strike "369,646" and insert "391,653";
On page 12, line 2, strike "378,476" and insert "422,164";
On page 12, line 5, strike "793,941" and insert "837,629".

UNANIMOUS CONSENT – Print amendments to LB 236

Mr. Maresh asked unanimous consent to print the following amendments to LB 236 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 236

1. In the committee amendments, section 2, line 3, strike "five hundred" and insert "one thousand".

2. Insert two sections to read:

"Sec. 3. Prior to the signing of any memorandum of understanding which would transfer a gravel road on the state highway system to a county pursuant to section 1 of this act, the State Highway Commission shall extend an opportunity for a public hearing to the county wherein any portion of the state highway system is to be transferred. Such hearing shall be held for the purpose of allowing individuals a means to provide public input upon the issue of such transfer.

Sec. 4. Before any gravel road on the state highway system shall be transferred, the State Highway Commission shall inform the Governor that a memorandum of understanding has been reached subsequent to a hearing. No road shall be transferred by the Department of Roads without the written approval of the State Highway Commission and the Governor. The Governor shall report to the Legislature each transfer for which approval has been granted.".

VISITORS

The President introduced 23 kindergarten through 6th grade students, teacher and parents from March Elementary School, Kennard, Nebraska;39 7th and 8th grade students and teachers from Wynot Public School, Wynot, Nebraska; 26 8th grade students, teacher and parents from East Catholic Elementary School, St. Helena, Nebraska; 23 8th grade students, teacher and parents from West Catholic Elementary School, Fordyce, Nebraska.

ADJOURNMENT

At 4:26 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, May 3, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-FIFTH DAY–MAY 3, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 3, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, we thank You for Your help and guidance in bringing our democratic form of government to such a sophisticated level as we are enjoying today. We know that it is not perfect but that is our fault not Yours.
>
> We know that there are still groups because of race, creed or color, who are not in reality and in the concrete, treated equally.
>
> We ask for the strength and the unbiased heart to correct these wrongs and we ask that good officials all over the state be nominated or elected today. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis, Schmit, Simon, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fourth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 232.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 69 and LR 71.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 161.

A BILL FOR AN ACT to amend sections 48-1102, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1116, 48-1117, 48-1118, 48-1119, and 48-1120, Reissue Revised Statutes of Nebraska, 1943, relating to the Nebraska Fair Employment Practice Act; to define terms; to amend references to apply to both sexes; to change unlawful employment practices as prescribed; to provide a per diem; to provide that the Equal Opportunity Commission may become a party to court action; to confer additional rights and powers on the commission; to provide severability; and to repeal the original sections.

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

Voting in the affirmative, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte

Voting in the negative, 2:

Hefner Lamb

Excused and not voting, 2:

F. Lewis Warner

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

LEGISLATIVE BILL 161A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 161, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte

Voting in the negative, 2:

Hefner Lamb

Excused and not voting, 2:

F. Lewis Warner

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 adopt the Private Vocational Educational Authorization Act of 1977; to provide severability; to provide an operative date; and to repeal Chapter 79, article 18, 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 0.

Present and not voting, 1:

Cullan

Excused and not voting, 2:

F. Lewis Warner

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

LEGISLATIVE BILL 486A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 486, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 0.

Present and not voting, 1:

Cullan

Excused and not voting, 2:

F. Lewis Warner

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

LEGISLATIVE BILL 516. With Emergency.

A BILL FOR AN ACT to amend section 28-4,117, Reissue Revised Statutes of Nebraska, 1943, relating to the Uniform Controlled Substances Act; to bring schedules in compliance with federal classifications; to repeal the original section; and to declare an emergency.

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

Voting in the affirmative, 47:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte			

Voting in the negative, 0.

Excused and not voting, 2:

F. Lewis 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.

SELECT FILE

LEGISLATIVE BILL 483. E & R amendment found in the Journal on page 1738 for the Seventy-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 290. E & R amendments found in the Journal on page 1738 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 427. E & R amendments found in the Journal on page 1738 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 162. E & R amendments found in the Journal on page 1738 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 257. E & R amendments found in the Journal on page 1750 for the Seventy-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 520A. Mr. Bereuter offered the following amendment:
On page 2, line 5, strike "1977" and insert "1978"
and on page 2, in line 8, after the period, insert "such transfer shall be made on July 1, 1977."

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 537. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 521. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 522. E & R amendments found in the Journal on page 1751 for the Seventy-Fourth Day were adopted.

Mr. Bereuter moved the adoption of the Warner amendment found in the Journal on page 1743.

The Warner amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Bereuter offered the following amendment:

Amendment to Committee Amendment to LB 522
On page 34, strike lines 20 and 21 and insert "hereby appropriated $1,434,000 from the Revenue Sharing Trust." On line 22, strike "construction fund".
On page 35, in line 7, strike "Nebraska Capital Construction" and insert "Revenue Sharing Trust".
On page 35, strike line 10 to 12 and insert: "There is hereby appropriated $3,870,000 from the Revenue Sharing Trust Fund for the fiscal year ending"

The amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Speaker Luedtke offered the following amendment to LB 522:

AMENDMENTS TO LB 522
1. In the Standing Committee amendments (Req. 2609), page 22, line 9, strike "582,679" and show stricken, and insert "598,679"; on line 11 strike "640,569" and show stricken, and insert "656,569"; strike line 26 and insert "5,002,919"; on page 22, strike line 2 and insert "5,071,769".

Speaker Luedtke moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Cullan announced today is Senator Swigart's birthday.

Speaker Luedtke requested a roll call vote on his amendment.

Voting in the affirmative, 24:

Barnett	Boughn	Brennan	Chambers	Cullan
DeCamp	Fitzgerald	Fowler	Goodrich	Hefner
Koch	Labedz	F. Lewis	Luedtke	Merz
Mills	Moylan	Newell	Nichol	Reutzel
Schmit	Simon	Swigart	Venditte	

Voting in the negative, 25:

Bereuter	Burrows	Carsten	Clark	Cope
Duis	Dworak	George	Hasebroock	Kahle
Kelly	Keyes	Kremer	Lamb	R. Lewis
Maresh	Marsh	Marvel	Maxey	Murphy
Rasmussen	Rumery	Savage	Stoney	Warner

Not voting, 0.

The amendment lost with 24 ayes, 25 nays, and 0 not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 504. E & R amendment found in the Journal on page 1751 for the Seventy-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 347. E & R amendment found in the Journal on page 1751 for the Seventy-Fourth Day was adopted.

Mr. Dworak offered the following amendment:

To strike on p 2 sec. I line (sic) all new matter lines 19 thru 22 and on line 25 strike 3 and insert 5 and on line 26 strike 36 and insert 60.

Mr. Clark 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 Dworak amendment lost with 14 ayes, 23 nays, and 12 present and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. E & R amendments found in the Journal on page 1751 for the Seventy-Fourth Day were adopted.

Mr. Carsten offered the following amendment:

AMENDMENT TO AMENDMENT ON LB 4 - found on page 2 of Request 2523, Amendment is as follows:
I move to reinstate language on lines 2 through 8 and to strike the language beginning on line 8 with "volunteer personal services" through line 16.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

The Carsten amendment was adopted with 28 ayes, 10 nays, and 11 present and not voting.

Mr. Dworak offered the following amendment:

AMENDMENTS TO LB 4

1. In the committee amendments insert a new section to read:

"Sec. 13. That section 139, Legislative Bill 987, Eighty-fourth Legislature, Second Session, 1976, be amended to read as follows:

Sec. 139. Sections ~~49-14,106~~ 49-14,105 to 49-14,122 shall become operative on their effective date or as specified therein. The other sections of this act shall become operative on July 1, ~~1977~~ 1978.".

2. Renumber subsequent sections accordingly.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 8 nays, and 18 not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

Mr. Bereuter requested a record vote on the Dworak amendment.

Voting in the affirmative, 32:

Barnett	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Dworak	George	Hasebroock	Hefner	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
R. Lewis	Maresh	Marsh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Venditte	Warner			

Voting in the negative, 13:

Bereuter	Fitzgerald	Fowler	Kahle	F. Lewis
Luedtke	Maxey	Merz	Newell	Reutzel
Schmit	Simon	Stoney		

Present and not voting, 4:

Chambers	Goodrich	Savage	Swigart

The Dworak amendment was adopted with 32 ayes, 13 nays, and 4 present and not voting.

Mr. Newell offered the following amendment to LB 4:

AMENDMENTS TO LB 4

1. In the committee amendments page 6, line 24 after "principal" insert "and a fee of five dollars for each application for registration by a person not employed or retained for services rendered as a lobbyist".

Mr. Merz 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 Newell amendment lost with 8 ayes, 22 nays, and 19 present and not voting.

Mr. Newell requested a record vote on advancing LB 4 to E & R Final.

Voting in the affirmative, 30:

Barnett	Boughn	Burrows	Carsten	Clark
Cope	Cullan	Duis	Dworak	Fitzgerald
George	Hasebroock	Hefner	Kahle	Keyes
Koch	Labedz	Lamb	Maresh	Marsh
Marvel	Mills	Murphy	Nichol	Rasmussen
Rumery	Savage	Schmit	Swigart	Warner

Voting in the negative, 13:

Bereuter	Brennan	Fowler	Goodrich	F. Lewis
Luedtke	Maxey	Merz	Moylan	Newell
Reutzel	Simon	Stoney		

Present and not voting, 6:

Chambers	DeCamp	Kelly	Kremer	R. Lewis
Venditte				

Advanced to E & R for Engrossment with 30 ayes, 13 nays, and 6 present and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 76.

Introduced by Urban Affairs Committee: George, 16th District, Chairman; Koch, 12th District; Schmit, 23rd District; DeCamp, 40th District; Labedz, 5th District; Kahle, 37th District; Maxey, 46th District; Bereuter, 24th District.

WHEREAS, the statutes giving various political subdivisions the authority to form special assessment districts are often found to be conflicting and are not uniform; and

WHEREAS, this results in unequal treatment for Nebraska citizens, and ought to be uniform as far as is possible.

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

1. That the Nebraska Legislature's Urban Affairs Committee conduct an interim study examining all statutes creating special assessment districts prior to the 1978 session and, present legislative recommendations to the Legislature as to:

(a) The procedures used to form special assessment districts, especially notice, protest and appeal provisions;

(b) The types of public services for which costs should be specially assessed;

(c) The proper divisions of costs incurred in public projects for which a combination of special assessment mechanisms, general funding, or bond issues are to be used; and

(d) The bonding capabilities granted to political subdivisions which relate to special assessment projects.

Referred to the Executive Board.

UNANIMOUS CONSENT—Add Names to LR 70

Messrs. DeCamp and Swigart asked unanimous consent to add their names to LR 70. No objections. So ordered.

BILL ON FIRST READING

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

LEGISLATIVE BILL 347A. By Nebraska Retirement Systems Committee: Hasebroock, 18th District, Chairman; Fowler, 27th District; Mills, 44th District; Goodrich, 20th District; F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, Eighty-fifth Legislature, First Session, 1977.

UNANIMOUS CONSENT–Member Excused

Mr. Marvel asked unanimous consent to be excused until 2:30 p.m. No objections. So ordered.

VISITORS

The President introduced 42 sixth grade students and sponsors from St. Joan of Arc, Omaha, Nebraska; 32 sixth grade students and sponsors from Pyrtle Elementary School, Lincoln, Nebraska; 44 seventh and eighth grade students and sponsors from Battle Creek Jr. High School, Battle Creek, Nebraska; 80 fourth grade students and sponsors from G. Stanley Hall, Papillion and LaVista, Nebraska; 36 Dawson County Home Extension Club members and Carol Dostal, Dawson County Home Extension Agent from Lexington, Cozad, and Gothenburg, Nebraska.

RECESS

At 11:57 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mesdames. Marsh and Maxey; Messrs. R. Lewis, Rasmussen, Reutzel, Cope, Rumery and Venditte who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 161, 161A, 486, 486A, and 516.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 161, 161A, 486, 486A, and 516.

SELECT FILE

LEGISLATIVE BILL 139. E & R amendment found in the Journal on page 1751 for the Seventy-Fourth Day was adopted.

Mr. Kremer offered the following amendment to LB 139:
I move to amend LB 139 by adding the emergency clause.

The amendment was adopted with 25 ayes, 7 nays, and 17 not voting.

Mr. Simon offered the following amendment to LB 139:
Amend LB 139 - to charge a $4 per tire fee for each studded tire.

Mr. Barnett asked if the amendment was germane.

The Chair ruled the amendment out of order and not germane to the bill.

Mr. Simon challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The motion lost with 9 ayes, 22 nays, 10 present and not voting, and 8 excused and not voting.

The Chair was sustained.

Advanced to E & R for Engrossment with 27 ayes, 7 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 263A. Advanced to E & R for Engrossment.

ATTORNEY GENERAL'S OPINION

Opinion No. 81
April 29, 1977

Re: Section 39-6,131, R.R.S. 1943.

Dear Senator Newell:

We are in receipt of your letters of April 14 and April 20, 1977. We understand that you are considering the introduction of legislation to clarify any confusion surrounding the enforcement of the above noted statute concerning studded tires. That statute states, in pertinent part, as follows:

> ". . . No tire on a vehicle moved on a highway shall have on its periphery any clock, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects

beyond the tread of the traction surface of the tire, except that (1) this prohibition shall not apply to pneumatic tires with metal or metal-type studs not exceeding five-sixteenths of an inch in diameter inclusive of the studcasing with an average protrusion beyond the tread surface of not more than seven sixty-fourths of an inch between October 1 and April 15; . . . "

You have specifically inquired which days are excepted from the prohibition on studded tires under the provisions of Section 39-6,131. This question hinges upon an interpretation of the word "between." The Supreme Court of this state has held, when referring to intervals of time, that when the word "between" is used the dates noted as bracketing the interval of time in question are excluded from effect. Weir v. Thomas, 44 Neb. 507, 62 N.W. 871 (1895). Therefore, the exception allowing the use of studded tires under the provisions of Section 39-6,131 would exclude from that exception both the first day of October and the fifteenth day of April. The first day that such tires could properly be employed would be October 2nd and the last day would be April 14th.

Yours truly,

PAUL L. DOUGLAS
Attorney General

(Signed) J. Kirk Brown
Assistant Attorney General

JKB:saa
cc: Mr. Vincent D. Brown
Clerk of the Legislature

SELECT FILE

LEGISLATIVE BILL 33. Mr. Maresh requested a machine vote to advance LB 33 to E & R Final.

Mr. Koch moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 27:

Barnett	Bereuter	Boughn	Carsten	Cope
Cullan	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	F. Lewis	Luedtke	Marsh	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Warner			

Voting in the negative, 17:

Brennan	Burrows	Chambers	Clark	Dworak
Kelly	Kremer	Labedz	Lamb	R. Lewis
Maresh	Marvel	Mills	Moylan	Murphy
Stoney	Swigart			

Present and not voting, 2:

Merz	Venditte

Excused and not voting, 3:

DeCamp	Maxey	Rasmussen

Advanced to E & R for Engrossment with 27 ayes, 17 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 31 ayes, 4 nays, and 14 not voting.

MOTION—Return LB 33 to Select File

Mr. Mills moved to return LB 33 to Select File for the following specific amendment:

Strike the Cullan amendment.

The motion lost with 10 ayes, 25 nays, 13 present and not voting, and 1 excused and not voting.

Mr. Koch moved to return LB 33 to Select File for the specific amendment found in the Journal on page 1709.

Mrs. Marsh 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 Koch motion to return prevailed with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 33. The Koch specific amendment found in the Journal on page 1709 was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Maresh requested a machine vote to advance to E & R Final.

Advanced to E & R for Engrossment with 26 ayes, 13 nays, 9 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 531. Mr. Barnett offered the following amendment: On page 3, line 8 and line 9, strike "3,713,540" and insert "3,746,540".

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.

Mr. Barnett moved for a Call of the House. The motion prevailed with 20 ayes, 14 nays, and 15 not voting.

Mr. Barnett requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Barnett	Brennan	Carsten	Chambers	DeCamp
Fitzgerald	Fowler	Goodrich	Hefner	Keyes
Koch	Kremer	Labedz	F. Lewis	Luedtke
Merz	Mills	Moylan	Newell	Nichol
Reutzel	Schmit	Simon	Swigart	Venditte

Voting in the negative, 23:

Bereuter	Boughn	Burrows	Clark	Cope
Cullan	Duis	Dworak	George	Hasebroock
Kahle	Kelly	Lamb	R. Lewis	Maresh
Marsh	Marvel	Murphy	Rasmussen	Rumery
Savage	Stoney	Warner		

Excused and not voting, 1:

Maxey

The Barnett amendment was adopted with 25 ayes, 23 nays, and 1 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Koch re-offered his amendment found in the Journal on page 1583.

The amendment lost with 8 ayes, 21 nays, and 20 present and not voting.

Mr. Warner renewed the pending Appropriations Committee amendment found in the Journal on page 1744.

The amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Advanced to E & R for Engrossment.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 3, 1977, at 2:00 p.m., were the following bills: 161, 161A, 486, 486A, and 516.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 77.

Introduced by DeCamp, 40th District.

WHEREAS, the State of Nebraska ceded jurisdiction over certain lands in Nebraska to the United States; and

WHEREAS, such action has resulted in a tax exempt status for certain properties acquired by the United States; and

WHEREAS, such tax exempt status was not intended to exempt properties of private individuals and corporations and may be the cause of a loss in millions of dollars to local government entities because such property has escaped taxation; and

WHEREAS, there is a question as to whether individuals and corporations have avoided the payment of personal property taxes because such property is located within lands ceded to the United States under Laws 1883, c. 90.

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

1. That the Legislature select a committee to perform an interim study to determine what property located within the jurisdiction of the United States might be subject to personal property tax. It shall be the further purpose of such study to determine what property so situated has not been assessed or has escaped taxation in any former year or years and the resulting loss of revenue to the taxing authority.

2. The committee shall work in cooperation with the federal and county officials directly concerned with the subject matter of this study and shall be authorized to spend no more than twenty thousand dollars in necessary expenses for legal counsel, research, and investigation.

3. The committee shall prepare recommendations for the establishment of a workable system to recover revenue unduly lost in the past and assure collection of revenue in the future. Such recommendations shall be presented to the next regular session of the Legislature for consideration.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 38. E & R amendments found in the Journal on page 1677 for the Seventy-Second Day were adopted.

Mr. Kelly renewed his pending amendment found in the Journal on page 1609.

The amendment lost with 9 ayes, 15 nays, and 25 present and not voting.

Mr. DeCamp renewed his pending amendment found in the Journal on page 1705.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The DeCamp amendment was adopted with 27 ayes, 10 nays, and 12 present and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 522. Replaced on Select File as amended.
E & R amendments to LB 522:

1. In new section 20, line 2, strike "Kearney";
and in line 3, strike "Center" and insert "Center-Kearney".

2. In lieu of the first Bereuter amendment, on page 34, line 20, strike the new and reinstate the stricken matter; in lines 20 and 21 strike "State Building" and insert "~~State Building~~ Revenue Sharing Trust"; and strike the new matter in lines 21 and 22.

3. In the third Bereuter amendment, line 1, insert "and show old matter stricken" after "12".

LEGISLATIVE BILL 4. Replaced on Select File as amended.
E & R amendments to LB 4:

1. The Carsten amendment having removed all amendatory material therefrom, strike section 1 and renumber original sections 2 to 13 as sections 1 to 12.

2. Strike the Dworak amendment 2.

3. In the title as amended, line 4, insert "and section 139, Legislative Bill 987, Eighty-fourth Legislature, Second Session, 1976," after the comma; in line 5 strike "to redefine a term;" and at the end of line 6 insert "to correct an internal reference; to change an operative date;".

LEGISLATIVE BILL 520. Replaced on Select File as amended.
E & R amendments to LB 520:

1. On page 4, line 7, strike "4" and insert "5" and insert an underscored comma after "act".

2. In the title, line 8, strike the second "and"; and in line 9 insert "; and to declare an emergency" after "section".

LEGISLATIVE BILL 533. Placed on Select File as amended.
E & R amendments to LB 533:

1. In committee amendments VI. 1., line 2, insert "of the Nebraska State Colleges" after "Trustees".

2. In committee amendment VII. 2., line 18, insert "and" after the comma.

3. In committee amendment V. 1., line 4, strike "receipt" and insert "receive"; in line 16 insert "each" after "$500,000"; and in lines 18 and 19 strike "receipting" and insert "receiving".

4. Insert the new section added by committee amendment IX. as section 24 and renumber original section 23 as section 25.

LEGISLATIVE BILL 542. Placed on Select File.

LEGISLATIVE BILL 543. Placed on Select File as amended.
E & R amendments to LB 543:

1. On page 2, line 7, strike "6" and insert "7".

2. On page 3, line 1, strike the comma.

3. On page 4, line 19, strike "receipt" and insert "receive".

4. On page 5, line 9, strike "receipting" and insert "receiving"; and in line 22 strike the comma.

5. On page 6, line 27, strike the comma.

6. In new section 7, line 7, strike the comma; and in line 9 insert "of the University of Nebraska" after "Regents".

7. On page 9, line 20, strike "7" and insert "8".

LEGISLATIVE BILL 544. Placed on Select File.

LEGISLATIVE BILL 536. Placed on Select File as amended.
E & R amendments to LB 536:

1. In committee amendment 1, line 4, insert "the" after "and".

2. In the title, line 2, strike "parole and pardons" and insert "clemency"; in line 4 insert "and the Board of

Pardons" after "Parole"; in line 6 strike "board" and insert "boards"; in line 8 strike "and"; and in line 10 insert "; and to declare an emergency" after "1943".

(Signed) Samuel K. Cullan, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 78.

Introduced by Luedtke, 28th District; Marvel, 33rd District.

WHEREAS, traditionally, various state buildings have been named in memory of individuals who have provided dedicated and exemplary service to the State of Nebraska; and

WHEREAS, the State Building Advisory Commission has conducted a statewide solicitation for the purpose of naming the newly constructed State Office Building; and

WHEREAS, the names resulting from such solicitation have been transmitted to the Legislature for its recommendation; and

WHEREAS, one name often suggested for the State Office Building is that of the George Gerdes Office Building; and

WHEREAS, the Eighty-fourth Legislature, First Special Session adopted LR 1 which recommended that the State Office Building be named the George C. Gerdes Building.

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

1. That it be recommended to the State Building Advisory Commission that the newly constructed State Office Building be named the George C. Gerdes Office Building.

2. That a copy of this resolution be sent by the Clerk of the Legislature to the members of the State Building Advisory Commission and the Administrator thereof.

Laid over.

UNANIMOUS CONSENT–Print Amendment to LB 204

Mr. R. Lewis asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 204

Add the following new sections:

Section 1. (1) The regional governing boards, created pursuant to 71-5004 shall appoint a program comptroller within 90 days of the operative date of this act. The comptroller shall be responsible

directly to the governing board for the fiscal management of mental health, drug abuse, and alcoholism programs, services and facilities.

(2) The comptroller shall develop a fiscal management system consistent with rules and regulations promulgated by the Director of the Department of Public Institutions.

(3) The governing board may permit the employment of staff by the comptroller as deemed necessary by the governing board.

(4) The comptroller appointed shall meet such minimum qualifications as shall be established by the Department.

Section 2. Mental Health, drug abuse, and alcoholism programs, services and facilities funded in whole or in part by the governing board shall submit their budget requests to the comptroller. The comptroller shall review such requests and attach his recommendations thereto and submit them to the governing board.

Section 3. (1) Upon notification from the Department of its final budget as set by the Legislature, each governing board shall prepare a plan of expenditures for the fiscal year for which such budget was set. Such plans of expenditures shall be submitted on forms prescribed by the Department to the Department not later than July 1 of the fiscal year for which such budget was set.

(2) The Department shall review such plans of expenditures to determine whether such plans conform with statewide plans and the minimum standards, rules and regulations adopted pursuant to the provisions of sections 71-5001 to 71-5014 and pursuant to the provisions of this act. Upon examination the Director of the Department of Public Institutions shall approve such plans of expenditure or shall require such changes or additional information from any governing board as may be necessary to permit such approval. No state matching funds shall be allocated to a mental health region prior to the approval of a plan of expenditure.

SELECT FILE

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 38. Considered.

Mr. Barnett renewed his pending amendment found in the Journal on page 921.

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

Mr. Barnett renewed his pending amendment found in the Journal on page 1712.

The amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Mr. Chambers offered the following amendment:
(1) Page 34: Strike subdivision (c) (Lines 23-25) line 27: Strike "or (c)".

The amendment (1) was adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. Chambers offered the following amendment:
(2) Page 68, line 4, after "substance",
ADD: "and which endangers the life of the person using the substance".

Mr. Cullan offered the following amendment to the Chambers amendment (2):
Add or which may cause bodily injury

The Cullan amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

The Chambers amendment (2), as amended, was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Mr. Mills asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to LB 38:
(3) Page 85: Strike lines 12-17
(subdivision (3))

The amendment (3) was adopted with 29 ayes, 1 nay, 18 present and not voting, and 1 excused and not voting.

PRESIDENT WHELAN PRESIDING

Mr. Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to LB 38:
(4) Page 112: Strike lines 2-13
(Section 138)

The amendment was adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Chambers offered the following amendment:
(5) Page 129
line 9: Strike "fourteen", insert "eighteen".
line 11: Strike "counsels"

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

Mr. Chambers offered the following amendment:
(6) Page 150: Strike lines 21-23.

The amendment was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Cullan offered the following amendment:
To amend the Bereuter amendment Article 13. line 10 and 11
Strike (1) a district judge
(2) a county judge
and insert (1) two lay people renumber the subsections

Mr. Bereuter offered the following amendment to the Cullan amendment:
To amend the Cullan amendment to LB 38 by specifying "who are retired members of the judiciary."

The Bereuter amendment lost with 6 ayes, 17 nays, 23 present and not voting, and 3 excused and not voting.

Mr. Cullan moved for a Call of the House. The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 21 ayes, 1 nay, and 27 not voting.

The Cullan amendment was adopted with 26 ayes, 10 nays, 10 present and not voting, and 3 excused and not voting.

Mr. Simon offered the following amendment:
Add the words after the Murphy amendment "except those convicted of statutory rape. Those persons convicted of this crime shall be subject to a class II felony as is written in the bill.

Mr. Simon withdrew his amendment.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

May 2, 1977

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

Dear Mr. President and Senators:

Nebraska Statute, sec. 81-1503, establishing the Environmental Control Council, requires legislative confirmation each two years on appointments to such Council. The following persons were appointed in 1975 to serve on the Environmental Control Council:

Dr. David H. Smith, Crete
Richard A. Veach, Omaha
James H. Walston, M.D., Sioux City
Wendell Gangwish, Shelton
Paul Harm, Norfolk
L. E. Donegan, Lincoln

I respectfully submit these names for your consideration.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:do
cc: All appointees
Committee on Committees
Dept. of Environmental Control

SELECT FILE

LEGISLATIVE BILL 38A. E & R amendment found in the Journal on page 1683 for the Seventy-Second Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 39. E & R amendments found in the Journal on page 1683 for the Seventy-Second Day were adopted.

Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 79.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Boughn, 21st District; R. Lewis, 38th District; Kelly, 35th District; Mills, 44th District; Merz, 1st District; Moylan, 6th District; Swigart, 8th District.

WHEREAS, natural gas supplies nearly one-third of the nation's total energy requirements, representing more than forty per cent of the energy produced domestically, and constitutes over one half of all the fuel used by industry; and

WHEREAS, the natural gas shortage is critical and proven reserves of natural gas have fallen twenty-three per cent in just six years and production from these reserves is falling severely; and

WHEREAS, the Arctic Gas Pipeline Company proposal for a 2600-mile large diameter pipeline to transport the very large volumes of natural gas from reserves from the Alaskan Prudhoe Bay and Canadian Mackenzie River Delta areas offers the American consumer the most gas at the cheapest cost, and conserves the most has through a more efficient transportation system which uses less gas in transportation than any alternative method; and

WHEREAS, the Arctic Gas proposal and its companion systems--Northern Border Pipeline on the eastern leg and Pacific Gas Transmission Company Pipeline and Interstate Transmission Associates (Arctic) Pipeline on the western leg -- offer not only the availability of more gas but also maximum benefits to local, state and federal governments, as well as more work opportunities in constructing the Arctic Gasand companion pipelines.

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

1. That the Legislature of the State of Nebraska by this Resolution, expresses its support for the proposal by Alaskan Arctic Gas Pipeline Company and its companion projects, to construct and operate a pipeline to transport arctic natural gas reserves.

2. That the Legislature of the State of Nebraska by this Resolution, urges the Congress of the United States, the President of the United States, the Secretary of the Interior and the Federal Power Commission to use all lawful and feasible procedures to grant appropriate governmental approvals to the applications of Alaskan Arctic Gas and its United States companion projects, on as prompt a schedule as is possible, and preferably in 1977.

3. That the Clerk of the Legislature is hereby directed to forthwith transmit a copy of this Resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, the President Pro Tempore of the

Senate of the United States, the United States Senator and Representatives from the State of Nebraska, the Secretary of the Interior of the United States and the Secretary and each member of the Federal Power Commission.

Laid over.

VISITORS

The President introduced 6 third grade students and sponsor from Belmont Elementary School, Lincoln, Nebraska; 30 eighth grade students and sponsors from Axtell, Nebraska.

ADJOURNMENT

At 4:23 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, May 4, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-SIXTH DAY–MAY 4, 1977

LEGISLATIVE JOURNAL

SEVENTY-SIXTH DAY—MAY 4, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 4, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Father in Heaven, Your Son taught us that not by bread alone does man live. We know that the truth He taught us is the basis for our life and our hope. Keep these teachings ever before us.
>
> But we certainly live by bread to a degree and are in need of Your blessings to make the ingredients grow. We thank You for the fine sowing weather and ask You now for fine growing weather. Soak our fields and meadows and in turn shine the marvelous rays of the sun on our crops that there may be enough to spare and to share. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. F. Lewis, George, Koch, Venditte and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Fifth Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Swigart asked unanimous consent to be excused at 11:00 a.m. for the remainder of the day. No objections. So ordered.

Mrs. Maxey asked unanimous consent to be excused the afternoon of May 5 and May 6, 1977. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 257. Replaced on Select File as amended.
E & R amendment to LB 257:
1. In the title, line 8, strike "audit" and insert "review".

LEGISLATIVE BILL 33. Replaced on Select File as amended.
E & R amendment to LB 33:
1. In lines 1 and 4 of the Koch amendments adopted 5/3, insert "numbered" after "On"; and in line 3 and 6, strike the second comma.

LEGISLATIVE BILL 531. Replaced on Select File as amended.
E & R amendments to LB 531:
1. On page 10, line 20, strike "Subdivision" and insert "Subdivisions".
2. On page 15, line 21, strike the commas and insert a period at the end of the line.

(Signed) Samuel K. Cullan, Chairman

MESSAGE FROM THE GOVERNOR

May 3, 1977

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

Dear Mr. President and Senators:

In line with my policy of having State Government assume the leadership role in energy conservation, I am submitting to you amendments to LB 495, my capital construction budget for fiscal year 1977-78. These amendments will allow the Department of Correctional Services to use Solar Energy to provide the domestic hot water requirements for the new Medium-Minimum Security facilities in Lincoln and Omaha, and the Diagnostic and Evaluation Center in Lincoln. Also, I am requesting that the previously planned gas and oil fired power plant at the Maximum Security facility in Lincoln be changed to a coal fired power plant.

Previously, I had directed the Lieutenant Governor to explore and evaluate current and planned energy usage in State Government to see what type of efforts we could make in reducing our demands for the scarce energy resources that will be available in the future. In pursuing this

goal, the Lieutenant Governor has met with several committees of the Legislature and professionals in the energy field. He has informed me that the concerns of the Legislature and the energy professionals are identical to the concerns of this Administration.

In considering the course of action I am charting with these amendments, one must realize that these buildings will have a minimum usage life of 50 years while the most liberal estimates of available natural gas supplies is far less. Based on the most reliable information currently available to me, the most prudent investment of public funds appears to be in utilizing alternative energy resources in the new Penal Institutions.

These proposed amendments will delay the total correctional construction plan by about five months, and will, therefore, result in approximately $3.5 million of such construction funds not being expended during the current fiscal year, ending June 30, 1977. Nevertheless, that amount of funds, plus an additional $2.5 million for the energy proposals, will be necessary for such construction the next two years, that is during fiscal year 1977-78 and fiscal year 1978-79.

Since there may be a tendency for the Legislature and its Appropriations Committee to look upon these funds as available for expenditure now, I caution that this $3.5 million should be reappropriated for its intended and promised use and not "diverted" to other expenditures now that will certainly have to be made up from tax receipts later.

I am, therefore, urging "conservation" of this $3.5 million as intended, and that it should not be improperly considered as "wind fall" now.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah
cc: The Honorable Jerome Warner
Chairman, Appropriations Committee

UNANIMOUS CONSENT—Add Co-Introducer to LR 70

Mr. Koch asked unanimous consent to add his name to LR 70. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 209.

A BILL FOR AN ACT relating to insurance; to provide certain licensing requirements as prescribed; 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, 26:

Bereuter	Boughn	Carsten	Clark	Cope
DeCamp	Duis	Dworak	Fowler	Goodrich
Hasebroock	Kahle	Keyes	Labedz	Luedtke
Marsh	Maxey	Mills	Moylan	Murphy
Nichol	Reutzel	Rumery	Schmit	Stoney
Swigart				

Voting in the negative, 17:

Barnett	Brennan	Burrows	Chambers	Cullan
Fitzgerald	Hefner	Kelly	Kremer	Lamb
F. Lewis	R. Lewis	Maresh	Marvel	Newell
Rasmussen	Simon			

Present and not voting, 2:

Merz	Savage

Excused and not voting, 4:

George	Koch	Venditte	Warner

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

LEGISLATIVE BILL 246.

A BILL FOR AN ACT to amend sections 21-1773, 21-1786, 21-1790, and 21-1791, Revised Statutes Supplement, 1976, relating to credit unions; to change the maximum interest rate; to change the security requirement; to change provisions for disbursement of funds; to change the verification time; to increase authority; 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	Boughn	Brennan	Carsten
Chambers	Cope	DeCamp	Duis	Fitzgerald
Goodrich	Hasebroock	Kahle	Kelly	Keyes
Kremer	Labedz	F. Lewis	Luedtke	Marsh
Mills	Moylan	Newell	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart

Voting in the negative, 12:

Clark	Cullan	Dworak	Fowler	Hefner
Lamb	R. Lewis	Maresh	Marvel	Maxey
Merz	Rasmussen			

Present and not voting, 3:

Burrows	Murphy	Nichol

Excused and not voting, 4:

George	Koch	Venditte	Warner

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

LEGISLATIVE BILL 344. With Emergency.

A BILL FOR AN ACT to amend sections 24-703.01 and 24-707, Reissue Revised Statutes of Nebraska, 1943, and sections 24-703 and 24-710, Reissue Revised Statutes of Nebraska, 1943, as amended by sections 1 and 2, Legislative Bill 467, Eighty-fifth Legislature, First Session, 1977, relating to judges retirement; to permit original members who have not retired to elect an alternative contribution rate and retirement benefits; to deter the time for full funding; 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, 38:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Cope	Cullan	DeCamp	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Kremer	Labedz

Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Merz	Mills	Moylan	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Swigart		

Voting in the negative, 7:

Barnett	Clark	Dworak	Marvel	Maxey
Murphy	Stoney			

Present and not voting, 1:

Duis

Excused and not voting, 3:

Koch	Venditte	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 344A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 344, Eighty-fifth Legislature, First Session, 1977; 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:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Cope	Cullan	DeCamp	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Kremer	Labedz	Lamb	F. Lewis
Luedtke	Maresh	Marsh	Merz	Mills
Moylan	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Swigart

Voting in the negative, 8:

Barnett	Clark	Dworak	George	Marvel
Maxey	Murphy	Stoney		

Present and not voting, 3:

Duis	Keyes	R. Lewis

Excused and not voting, 3:

Koch	Venditte	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 384. With Emergency.

A BILL FOR AN ACT relating to information; to provide for conditions upon which disclosure of confidential information may be withheld or 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, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kelly
Keyes	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte

Voting in the negative, 2:

Kahle	Nichol

Excused and not voting, 2:

Koch	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 398.

A BILL FOR AN ACT relating to public employees; to permit political activities by employees of the state or any political subdivision thereof except as prescribed; to amend section 81-809, 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, 25:

Boughn	Brennan	Burrows	DeCamp	Duis
Fitzgerald	Fowler	Goodrich	Kahle	Keyes
Labedz	F. Lewis	R. Lewis	Luedtke	Marsh
Merz	Mills	Newell	Reutzel	Rumery
Savage	Schmit	Simon	Swigart	Venditte

Voting in the negative, 20:

Barnett	Bereuter	Carsten	Clark	Cope
Cullan	Dworak	George	Hasebroock	Hefner
Kelly	Kremer	Lamb	Maresh	Marvel
Moylan	Murphy	Nichol	Rasmussen	Stoney

Present and not voting, 2:

Chambers Maxey

Excused and not voting, 2:

Koch Warner

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 to amend sections 9-401 and 9-406, Uniform Commercial Code, relating to secured transactions; to provide for filing duplicate documents to perfect a security interest with the Public Service Commission; to provide procedures for filing releases of certain liens; to authorize appropriations for costs of administering such duplicate 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, 39:

Barnett	Bereuter	Boughn	Carsten	Chambers
Clark	Cope	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Merz	Mills	Moylan
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	

Voting in the negative, 6:

Brennan	Burrows	Cullan	Lamb	Newell
Nichol				

Present and not voting, 2:

Maxey	Murphy

Excused and not voting, 2:

Koch	Warner

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

LEGISLATIVE BILL 517A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Carsten	Chambers
Clark	Cope	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Kremer
Labedz	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Mills	Moylan	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte		

Voting in the negative, 7:

Brennan	Burrows	Cullan	Lamb	Merz
Newell	Nichol			

Present and not voting, 2:

Maxey Murphy

Excused and not voting, 2:

Koch Warner

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

LEGISLATIVE BILL 524. Mr. DeCamp asked unanimous consent to hold LB 524 until May 11, 1977. No objections. So ordered.

MOTION–Return LB 182 to Select File

Mr. Duis moved to return LB 182 to Select File for the following specific amendment:

Strike the DeCamp amendment found in the Journal on page 1635

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182. The Duis specific amendment found in this day's Journal was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 520. E & R amendments found in the Journal on page 1788 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 520 to Select File

Mr. Warner moved to return LB 520 to Select File for the following specific amendment:

Strike the Goodrich Amendment found on page 1594 and insert "with appropriate credit against future charges to be granted to all agencies for the fair market value of all equipment accepted which had been purchased with federal funds or trust funds."

The motion prevailed with 30 ayes, 1 nay, 17 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 520. The Warner specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 19 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 522. E & R amendments found in the Journal on page 1787 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. E & R amendments found in the Journal on page 1787 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 533. E & R amendments found in the Journal on page 1788 for the Seventy-Fifth Day were adopted.

Laid over.

LEGISLATIVE BILL 532. Mr. Duis moved to indefinitely postpone.

Motion pending.

LEGISLATIVE BILL 543. E & R amendments found in the Journal on page 1788 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 544. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 536. E & R amendments found in the Journal on page 1788 for the Seventy-Fifth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 40. E & R amendments found in the Journal on page 1684 for the Seventy-Second Day were adopted.

Mr. Barnett asked unanimous consent to withdraw his pending amendments found in the Journal on page 1509. No objections. So ordered.

Mr. George asked unanimous consent to withdraw his pending amendments found in the Journal on page 1510.

Mr. Barnett renewed his pending amendment found in the Journal on page 1712.

Mr. Barnett offered the following amendment to his amendment:
To amend Barnett amendment page 1712 of Journal para 1, line 2 strike III insert IV

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

The Barnett amendment, as amended, was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. George offered the following amendment:
1. On page 91, after line 4, insert a new section 116 to read as follows:

"Sec. 116. (1) Any person who uses a firearm, knife, brass or iron knuckles, or any other deadly weapon to commit any felony which may be prosecuted in a court of this state, or any person who unlawfully possesses a firearm, knife, brass or iron knuckles, or any other deadly weapon during the commission of any felony which may be prosecuted in a court of this state, shall in addition to the punishment prescribed for the crime of which he has been convicted, be imprisoned for five years.

(2) Sentences imposed under the provision of this section shall be consecutive to any other sentence imposed.

(3) The provisions of Sec. 83-188 to Sec. 83-1,125 relating to reduction of sentence and parole shall not apply to sentences imposed under this section."

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 5 nays, and 22 not voting.

Mr. Venditte offered the following amendment to the George amendment:
To amend the George Amendment by striking "possesses" in line 6 and inserting "carries".

Mr. Venditte moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Venditte moved the Call be raised. The motion prevailed with 22 ayes, 1 nay, and 26 not voting.

The Venditte amendment was adopted with 26 ayes, 3 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Simon offered the following amendment to the George amendment:

AMENDMENT TO LB 40

Strike the George amendment and add any person who uses a firearm, knife, brass or iron knuckles or any other deadly weapon in committing or threatening any violent crime shall be sentenced to an additional 2 year sentence. This 2 year term shall run consecutively with the punishment prescribed for the crime of which he has been convicted.

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.

Mr. Simon moved for a Call of the House. The motion prevailed with 17 ayes, 14 nays, and 18 not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

The Simon amendment lost with 19 ayes, 25 nays, 4 present and not voting, and 1 excused and not voting.

Mr. Barnett offered the following amendment to the George amendment:

1. Strike subparagraph (3).
2. In line 10, strike "five" and insert "three".

Mr. Clark 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 Barnett amendment was adopted with 27 ayes, 0 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Simon moved for a Call of the House. The motion prevailed with 16 ayes, 8 nays, and 25 not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 26 ayes, 8 nays, and 15 not voting.

The George amendment, as amended, was adopted with 25 ayes, 11 nays, 12 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment with 32 ayes, 2 nays, 14 present and not voting, and 1 excused and not voting.

STANDING COMMITTEE REPORT
Constitutional Revision and Recreation

LEGISLATIVE RESOLUTION 63. Placed on General File as amended.
Standing Committee amendment to LR 63:

1. Strike original Sec. 13. and insert the following:
"Sec. 13. The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state ~~except treason and cases of impeachment~~. The Governor, Attorney General and Secretary of State, sitting as a board, shall have power to remit fines and forfeitures, and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except cases of murder in the first degree, treason, and ~~cases of~~ impeachment which cases shall be subject to such conditions as may be prescribed by law. The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or cummutation but such advice shall not be binding on them. ~~The Governor shall have the power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a futher reprieve.~~".

COMMITTEE STATEMENT on LR 63

INTENT – The intent of LR 63 is to place before the electorate of the State of Nebraska a constitutional amendment limiting the pardoning process of the Pardon Board in cases of first degree murder. LR 63 would permit the Pardon Board to grant relief in such cases only under conditions set by law.
PROPONENTS – Senator Barnett, introducer; and Brian Kreger, presenting information and an amendment to LR 63.
OPPONENTS – None
AMENDMENTS – The Committee adopted an amendment that would classify treason, impeachment, and first degree murder as those cases in which the Pardon Board may grant relief only as prescribed by law.
COMMITTEE ACTION – The Committee voted 7-0 to advance LR 63, as amended, to General File. Voting aye were Senators: Koch, Carsten, Barnett, Fitzgerald, Cullan, Reutzel and Labedz.

Date May 4, 1977 (Signed) Jerry D. Koch, Chairman

UNANIMOUS CONSENT—Print Amendments to LB 533

Mr. Dworak asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

Amendment to LB 533

PURPOSE: Reduce General Fund appropriation to the Fieldhouse back to the 1976-77 level of $589,684 and increase cash funds by the General Fund decrease.

(1) On page 26, line 6, strike "620,767" and insert "589,684"; on line 7, strike "26,325" and insert "57,408"; on line 14, strike "46,169,226" and insert "46,138,143"; and on line 15, strike "15,513,123" and insert "15,544,206".

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Dworak asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

Amendments to LB 532

Purpose: This amendment eliminates $50,000(G) for contracted Indian population census study. Due to the nearness of a 10 year U. S. Census the need for this study is not critical. The results of the study would not be accepted by the U. S. Bureau of Census or other federal agencies for grant applications.

On page 55, line 17 strike "349,925" and insert "299,925".
On page 55, line 20 strike "443,025" and insert "393,025".
On page 55, strike lines 24 through 27 and show as stricken.
On page 56, strike line 1 and show as stricken.
On page 56, line 25 strike "1,491,957" and insert "1,441,957".
On page 57, line 1 strike "2,115,057" and insert "2,065,057".

UNANIMOUS CONSENT—Print Amendment to LB 509

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 509 in the Journal. No objections. So ordered.

Amendment to LB 509

Renumber Section 10 as Section 11.
Insert a new Section 10 to read as follows: "any city or village of the state which makes any contributions or payments required to be made by this Act shall levy a tax in order to defray the cost to such city or village in meeting the obligations arising by reason of this Act. Said tax shall be in excess

of and in addition to all other taxes now or hereafter authorized to be levied by said city. The revenue so raised shall be limited to the amount needed to defray the cost to such city or village in meeting the obligations arising by reason of this Act, and shall be used for no other purpose."

UNANIMOUS CONSENT–Add Co-Introducers to LR 70

Messrs. F. Lewis and Simon asked unanimous consent to have their names added to LR 70. No objections. So ordered.

EXPLANATION OF VOTE

Had I been present for Final Reading this A.M., I would have voted as follows:

LB 20	Aye
LB 246	Aye
LB 344 & 344A	Aye
LB 384	Aye
LB 398	Nay
LB 517 & 517A	Aye
LB 524	Aye

(Signed) J. Koch

ANNOUNCEMENT

Mr. Marvel announced a meeting of the Executive Board at 4:30 p.m. today in Room 1019.

UNANIMOUS CONSENT–Members Excused

Mr. Marvel asked unanimous consent to be excused until 2:30 p.m. No objections. So ordered.

Messrs. Nichol and Fitzgerald asked unanimous consent to be excused the remainder of the morning. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 41. Mr. Barnett renewed his pending amendment found in the Journal on page 1713.

The amendment was adopted with 27 ayes, 1 nay, 18 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 3 nays, 17 present and not voting, and 3 excused and not voting.

MOTION—Consider LB 236

Mr. Kremer moved that the Speaker's order be changed and LB 236 be considered immediately after recess.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Kremer motion prevailed with 26 ayes, 7 nays, 13 present and not voting, and 3 excused and not voting.

VISITORS

The President introduced 62 seniors, teacher, and sponsors from Loup City, Nebraska; 25 seniors and teacher from Neligh, Nebraska; Senator Harold Halverson from Milbank, South Dakota; Mrs. Labedz's sister-in-law, Mrs. Leo Labedz, Mrs. Ann Green, and Mrs. Louis Diamantis; and Dr. Ivan Olson, pastor of Berean Fundamental Church, North Platte, Nebraska.

RECESS

At 11:50 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Swigart who was excused; Messrs. Marvel, F. Lewis, and Rasmussen who were excused until they arrive; and Mr. Newell who was absent until 2:00 p.m.

UNANIMOUS CONSENT—Member Excused

Mrs. Labedz asked unanimous consent to be excused at 2:00 p.m. for a short time. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 520. Replaced on Select File as amended.
E & R amendments to LB 520:

1. Insert the Warner amendment after "Administrator" in section 3, line 4; in line 2 thereof insert an underscored comma before "with"; and in line 4 strike the period.

2. Because of the Warner amendment, strike E & R 2 adopted 4/27.

LEGISLATIVE BILL 520A. Replaced on Select File as amended.
E & R amendment to LB 520A:
1. On page 2, line 6, strike "109" and insert "9".

LEGISLATIVE BILL 182. Replaced on Select File as amended.
E & R amendment to LB 182:
1. Because of the Duis amendment adopted 5/4, strike E & R 2 adopted 5/2.

Correctly Engrossed

The following bills were correctly engrossed: 139, 162, 263A, 290, 347, 390, 390A, 427, 450, 450A, 483, 504, 521, and 537.

Correctly Enrolled

The following bills were correctly enrolled: 209, 246, 344, 344A, 384, 398, 517, and 517A.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 209, 246, 344, 344A, 384, 398, 517, and 517A.

GENERAL FILE

LEGISLATIVE BILL 236. Considered.

Mr. Schmit renewed his pending motion found in the Journal on page 1733 to indefinitely postpone.

PRESIDENT WHELAN PRESIDING

Mr. Schmit withdrew his motion to indefinitely postpone.

Mr. Nichol re-offered the Standing Committee amendments found in the Journal on page 1046 for the Fiftieth Day.

Mr. Maresh renewed his pending amendments found in the Journal on page 1768 to the Standing Committee amendments.

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

The Maresh amendment (1) was adopted with 18 ayes, 17 nays, 13 present and not voting, and 2 excused and not voting.

The Chair voted "aye" to break the tie.

The Maresh amendment (2) was adopted with 24 ayes, 8 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Kremer offered the following amendment to the Standing Committee amendment:

Amendment to Maresh Amendments to LB 236, Page 1768, Legislative Journal

1. In line 16 after "No" insert "such".
2. In line 19 strike "Governor" and insert "Department of Roads"; and strike "Legislature "and insert "Board of Public Roads, Classifications and Standards".

The amendment was adopted with 17 ayes, 12 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Reutzel asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Newell offered the following amendment to the Standing Committee amendments:

To add to the Kremer Amendment to the Maresh Amendment to strike "one thousand" and reinsert "Seven hundred fifty".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Newell amendment lost with 9 ayes, 18 nays, 19 present and not voting, and 3 excused and not voting.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 3 nays, and 19 not voting.

Mr. Kremer moved for a Call of the House. The motion prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Kremer requested a roll call vote on the Standing Committee amendments, as amended.

Voting in the affirmative, 21:

Boughn	Burrows	Carsten	Cope	Cullan
Duis	Dworak	George	Hasebroock	Kahle
Kremer	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Savage	Simon	Venditte
Warner				

Voting in the negative, 26:

Barnett	Bereuter	Brennan	Clark	DeCamp
Fitzgerald	Fowler	Goodrich	Hefner	Kelly
Keyes	Koch	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Newell	Rumery	Schmit
Stoney				

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Swigart

The Standing Committee amendments lost as amended with 21 ayes, 26 nays, 1 present and not voting, and 1 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit moved to indefinitely postpone LB 236.

Mr. George asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Savage moved the Call be raised. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Schmit moved for a Call of the House. The motion prevailed with 23 ayes, 12 nays, and 14 not voting.

Mr. F. Lewis requested a roll call vote on the indefinitely postpone motion.

Voting in the affirmative, 25:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	DeCamp	Duis	Fitzgerald	Fowler
Hefner	Kelly	Koch	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Merz
Mills	Newell	Rasmussen	Rumery	Schmit

Voting in the negative, 20:

Carsten	Clark	Cope	Cullan	Dworak
Goodrich	Hasebroock	Kahle	Keyes	Kremer
Marsh	Maxey	Moylan	Murphy	Reutzel
Savage	Simon	Stoney	Venditte	Warner

Present and not voting, 1:

Nichol

Excused and not voting, 3:

George	Labedz	Swigart

The motion to indefinitely postpone LB 236 prevailed with 25 ayes, 20 nays, 1 present and not voting, and 3 excused and not voting.

Mr. Goodrich moved the Call be raised. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 309A. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Savage, 10th District; Cope, 36th District; Fowler, 27th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, Eighty-fifth Legislature, First Session, 1977; and to declare and emergency.

UNANIMOUS CONSENT—Print Amendment to LB 346

Mr. Goodrich asked unanimous consent to print the following amendment to LB 346 in the Journal. No objections. So ordered.

Amendment to the Committee Amendments to LB 346

1. Amend the Committee amendment to read as follows:

1. On page 2, line 3, after "shall" insert "upon approval of the county board," ~~and in lines 5 and 7, strike "may" and insert "shall"~~.

UNANIMOUS CONSENT—Print Amendments to LB 142

Mr. Dworak asked unanimous consent to print the following amendments to LB 142 in the Journal. No objections. So ordered.

Amendments to LB 142

1. Strike original sections 1 through 5 and insert:

"Section 1. Every insurer authorized to transact business in this state and providing product liability insurance shall within sixty days after the effective date of this act and on the first day of January of each year thereafter or within sixty days thereafter file with the Director of Insurance a report containing the information specified in sections 2 to 11 of this act.

Sec. 2. The report filed pursuant to section 1 of this act shall be made upon forms provided by the Director of Insurance and shall request the following information:

(1) The name of the insurance company;

(2) The name of all other companies associated with the company submitting the report, as either a holding company, parent, wholly owned subsidiary, division, or through interlocking directorates;

(3) The various types of insurance a company offers;

(4) The states in which the company has been admitted for product liability insurance;

(5) The total premium dollar amount collected for all lines of insurance in Nebraska and in all states in each of the six years next preceding the initial report or in the year next preceding the filing of each annual report thereafter;

(6) The dollar amount collected in product liability premiums in Nebraska and in all states in each of the six policy years next preceding the initial report or in the year next preceding the filing of each annual report thereafter;

(7) The amount in dollars of product liability premiums for primary coverage and for excess coverage in Nebraska and in all states; and

(8) The amounts shown in subdivision (6) of this section which include premiums and operations insurance or any other insurance delivered as part of a package which cannot be considered exclusively product liability insurance and the amounts which are nonproduct liability insurance. Such amounts shall be listed separately for amounts relating to experience in all states and amounts relating to experience in Nebraska only.

Sec. 3. (1) Each company shall report the information requested in the following tables for each of the six years next preceding the initial report and for the year next preceding the filing of each annual report thereafter; a separate table shall be completed for experience in all states and experience in Nebraska only:

Table (1)

Claims Closed

	Number of Claims	Without Payment	Claims Closed With Payment	Amount of Payments
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....

Table (2)

	Number of Suits filed	Number of Verdicts or Judgments for Defendants	Number of Verdicts or Judgments for Plaintiffs	Amounts for Plaintiffs
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....
19..	.....	.....	.....	.....

(2) Of the closed claims listed in subsection (1) of this section, each company shall state by policy year, for each of the six years next preceding the initial report and for the year next preceding the filing of each annual report thereafter, the number of insureds who were manufacturers, who were distributors, and who were retailers. Such information shall be listed separately for experience in all states and experience in Nebraska only.

Sec. 4. When describing underwriting profits or losses, each company shall list separately for Nebraska experience only and again for experience in all states the categories of expenses which are assessed against product liability premium income and list the amounts of each of these categories for the six years next preceding the initial report and for the year next preceding the filing of each annual report thereafter, for the product liability lines in as much detail as is available.

Sec. 5. In addition to the information provided in section 2 of this act, the report shall provide:

(1) Whether or not the company sets reserves for product liability claims filed;

(2) Whether or not the company sets reserves for product liability claims for losses which have been incurred but not reported (IBNR);

(3) All reserves established in connection with the company's product liability line; and

(4) How dollars reserved are treated in each of the categories listed in subdivisions (1) to (3) of this section for federal income tax purposes.

Sec. 6. The report shall contain, for the six years next preceding the filing of the initial report and for the year next preceding the filing of each annual report thereafter, the dollar amount for each of the categories of reserves provided in section 5 of this act.

Sec. 7. With respect to amounts paid in claims in the six years next preceding the filing of the initial report and for the year next preceding the filing of each annual report thereafter, each company shall provide the following information: (1) Total amounts reserved with respect to those claims; (2) the year in which the reserves were set; and (3) the amounts set in each year.

Sec. 8. Each insurer shall report the market value of the securities held in its investment portfolio on January 1 and July 1 of each of the six years next preceding the filing of the initial report and the year next preceding the filing of each annual report thereafter.

Sec. 9. (1) For each of the six years next preceding the filing of the initial report and for the year preceding the filing of each annual report thereafter, each company shall list the investment income and profit or loss on the following accounts: (a) Unearned premiums; (b) reserves for known claims; (c) IBNR's; and (d) total investment.

(2) The expense categories assessed against investment income which were used to arrive at the figures in subsection (1) of this section and the amounts for each category for each of the six years next preceding the filing of the initial report and for the year next preceding the filing of each annual report thereafter.

Sec. 10. Any published annual reports to shareholders or policyholders shall be submitted with the report.

Sec. 11. A complete explanation for the unavailability of any of the information or data requested pursuant to sections 2 to 10 of this act shall be submitted with the report.

NOTICE OF COMMITTEE HEARING
Committee on Committees

May 12, 1977

The Committee on Committees will meet at 12:00 Noon, Thursday, May 12, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Charles E. Blair - Nebraska Investment Council
William M. Whitmer - State Electrical Board
L. E. Donegan - Environmental Control Council
Wendell Gangwish - Environmental Control Council
Paul Harm - Environmental Control Council
Dr. David Smith - Environmental Control Council
Richard Veach - Environmental Control Council
James H. Walston - Environmental Control Council

(Signed) John S. Savage, Chairman

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 4, 1977, at 2:40 p.m., were the following bills: 209, 246, 344, 344A, 384, 398, 517, and 517A.

(Signed) Barbara Jackson, Enrolling Clerk

MOTION–Return LB 182 to Select File

Mr. F. Lewis moved to return LB 182 to Select File for the following specific amendment:

Strike the enacting clause.

Motion pending.

MOTION–Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 889)

The amendment prevailed with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 546. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th Distict; Cope, 36th District; Rumery, 42nd District; Hasebroock, 18th District; Goodrich, 20th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT relating to appropriations; to reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend sections 25 to 27, Legislative Bill 984, Eighty-fourth Legislature, Second Session, 1976; to repeal the original sections; and to declare an emergency.

MOTION–Reconsider Action on LB 236

Mr. Mills moved to reconsider action on indefinitely postponing LB 236.

Motion pending.

UNANIMOUS CONSENT–Print Amendments to LB 236

Mr. Schmit asked unanimous consent to print the following amendments to LB 236 in the Journal. No objections. So ordered.

AMENDMENT TO LB 236

1. Strike the new sections added by committee amendments and all amendments thereto and insert:

"Section 1. That section 39-1315.01, Reissue
2 Revised Statutes of Nebraska, 1943, be amended to read

as follows:

39-1315.01. No road or highway shall be removed from the state highway system until a minimum of three years after such road or highway has been improved ~~with a surface of concrete, asphalt, or material of similar quality, covering at least two traffic lanes~~ to meet the standards established by the county or counties in which it is located, and then only after a determination that traffic along such road or highway is insufficient to justify retention of it as part of the state highway system. The provisions of this section shall not be construed to apply to the relocation of a road or highway pursuant to subsection (2) of section 39-1309.

Sec. 2. That original section 39-1315.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

SELECT FILE

LEGISLATIVE BILL 33. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MR. SAVAGE PRESIDING

LEGISLATIVE BILL 518. E & R amendments found in the Journal on page 1685 for the Seventy-Second Day were adopted.

Mr. DeCamp asked unanimous consent to withdraw his pending amendments found in the Journal on pages 1498 and 1670. No objections. So ordered.

PRESIDENT WHELAN PRESIDING

Mr. DeCamp offered the following amendments:

1. Strike original section 8 and insert new sections to read:

"Sec. 8. In addition to the amount certified as total tax revenue lost by the county assessor of each county to the Tax Commissioner on or before November 1, 1976, pursuant to section 77-202.30, each county assessor shall on or before October 1, 1977 certify to the Tax Commissioner the total revenue lost because of the exemption allowed for business inventories stored in the state for shipment under section 77-1226.01. Such certification of business inventories shall be based upon lists furnished to the county assessor on or before February 1, 1974 pursuant

to section 77-1226.01. The Tax Commissioner shall add that amount of revenue lost as certified pursuant to section 77-202.30 to that amount of revenue lost because of the exemption allowed for business inventories under section 77-1226.01 to determine the total amount of revenue lost by each county. Commencing fiscal year 1978-79, and each fiscal year thereafter, the money in the Personal Property Tax Relief Fund shall be annually distributed to the county treasurers on a prorated basis. The amount of the fund to be received by each county shall be in the same proportion as the total amount of the tax revenue lost, as calculated pursuant to this section, by each county is to the total amount of tax revenue lost, as calculated pursuant to this section, by all counties.

Sec. 9. If any section in this act or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions thereof.".

2. Renumber original section 9 as section 10.

Mr. Newell offered the following amendment to the DeCamp amendment:

In the DeCamp amendment in sect. 8, line 9 strike "stored in the State for shipment"

In line 12 strike "1974" and insert "1977".

Mr. Keyes moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 8 nays, and 25 not voting.

Mr. Koch 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 Newell amendment to the DeCamp amendment lost with 5 ayes, 21 ayes, 20 present and not voting, and 3 excused and not voting.

Mr. Fowler 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 DeCamp amendment was adopted with 26 ayes, 11 nays, 9 present and not voting, and 3 excused and not voting.

Mrs. Maxey renewed her pending amendment referred to in the Journal on page 1731. (Req. No. 2559).

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 3 nays, and 18 not voting.

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

Mr. Koch withdrew his pending amendment found in the Journal on page 1662.

Mr. Goodrich withdrew his pending amendment found in the Journal on page 1699.

Mr. Schmit offered the following amendment:

1. On page 2, line 21 strike "1, 3, and 5" and insert "2, 4, and 6".

2. Insert new sections to read:

"Sec. 9. Section 10 of this act shall become operative on January 1, 1978. Section 11 of this act shall become operative on January 1, 1979. Section 12 of this act shall become operative on January 1, 1980.

Sec. 10. That sections 77-1251 to 77-1261, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 11. That sections 77-1231.01 and 77-1242, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 12. That sections 77-1263 to 77-1268, Reissue Revised Statutes of Nebraska, 1943, and section 77-1262, Revised Statutes Supplement, 1976, are repealed.".

3. Renumber original section 9 as section 13.

4. In the title, line 8 after the semicolon insert "to provide operative dates;".

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 Schmit amendment was adopted with 28 ayes, 6 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Newell renewed his pending amendment found in the Journal on page 1639.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 4 nays and 20 not voting.

The Newell amendment lost with 6 ayes, 17 nays, 23 present and not voting, and 3 excused and not voting.

Mr. Newell renewed his pending amendment (2) found in the Journal on page 1616.

Mrs. Marsh 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 Newell amendment lost with 7 ayes, 15 nays, 24 present and not voting, and 3 excused and not voting.

Mr. Newell withdrew his pending amendment found in the Journal on page 1715.

Mr. Luedtke moved to adjourn. The motion lost.

RESOLUTION

LEGISLATIVE RESOLUTION 80.

Introduced by DeCamp, 40th District.

WHEREAS, recent court cases have qualified, and in certain instances cast doubt upon the legitimacy of current Nebraska laws as to gambling and sexual assault; and

WHEREAS, current Nebraska law in the above regards was incorporated into the Criminal Code now pending enactment; and

WHEREAS, should the Criminal Code become effective in July, 1978, questions will remain in the aforementioned areas should they retain current law; and

WHEREAS, it was represented to members of the legislature during debate upon these specific areas of the Criminal Code that a study and possible revision would be undertaken during the interim.

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

1. That the Legislature's Judiciary Committee conduct an interim study of the sections of the Criminal Code dealing with gambling and sexual assault.

2. That such study shall include an analysis of recent court cases to determine whether revision is warranted in these regards.

3. That the Committee make a report of its findings together with its recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT – Print Amendment to LB 131

Mr. Fowler asked unanimous consent to print the following amendment to LB 131 in the Journal. No objections. So ordered.

The budget limitation in Section 7 of this Act shall not apply to: (1) that portion of any budget necessary for the payment of bonded indebtedness; (2) judgments which the taxing jurisdiction must pay in accordance with an order of a court of competent jurisdiction; (3) increases in taxes which

the taxing district is required to levy in accordance with state law; (4) those taxing districts which have an annual ad valorem taxation budget increase limit, or have an annual ad valorem taxation increase limitation expressed in terms of dollars or percentage, subject to exception only by a vote of the people of the taxing district.

UNANIMOUS CONSENT – Print Amendments to LB 518

Mr. Goodrich asked unanimous consent to print the following amendments to LB 518 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 518

1. Insert a new section 1 as follows:

"Section 1. That section 77-202.13, Revised Statutes Supplement, 1976, be amended to read as follows:

77-202.13. All homesteads in this state shall be assessed for taxation the same as other property, except that there shall be exempt from ~~taxation (1) the first twenty-five per cent of the actual value of any homestead having an actual value of fifteen hundred dollars or less, (2) the first twenty per cent of the first four thousand dollars of the actual value of any homestead having an actual value in excess of fifteen hundred dollars, (3)~~ payment the forty-five dollars of the actual tax owed, and in addition there shall be exempt from taxation (1) the first ninety per cent of the actual value of any homestead of any veteran, as defined in section 80-401.01, drawing compensation from the Veterans Administration of the United States because of one hundred per cent disability and not eligible for total exemption under the provisions of sections 77-202.08 to 77-202.10, or the unremarried widow of any such veteran or of any veteran who died because of a service-connected disability, or the unremarried widow of a serviceman who died while on active duty during the dates described in section 80-401.01, and (4) (2) in 1973, one hundred per cent of the first seventy-five hundred dollars of the actual value of any homestead, and in 1974 and each year thereafter one hundred per cent of the first fifteen thousand dollars of the actual value of any homestead of persons qualifying under subdivision (4) of section 77-202.12. This exemption shall also apply to veterans who are totally disabled by a nonmilitary accident or illness. Application for the exemption shall include the sworn statement of a qualified medical physician or certification from a Veterans Administration Hospital affirming that the homeowner is totally disabled. ~~The percentages in subdivisions (1) and (2) of~~

~~this section shall be increased to fifty and forty five,~~
~~respectively, in the case of any veteran as defined in~~
~~section 80-401.01, for the year in which he reaches~~
~~seventy years of age and for each subsequent year, or the~~
~~unremarried widow or widower of any such veteran or the~~
~~husband or wife of any such veteran when the veteran is~~
~~not the owner of record.~~".

2. On page 5, line 3, strike "section" and insert "sections 77-202.13 and".

3. Renumber original sections 1 to 9 as sections 2 to 10 respectively.

VISITORS

The President introduced 84 3rd and 6th grade students and teachers from Creighton Community, Creighton, Nebraska.

ADJOURNMENT

Speaker Luedtke moved to adjourn. The motion prevailed with 18 ayes, 16 nays, and 15 not voting. At 4:30 p.m. the Legislature adjourned until 9:00 a.m., Thursday, May 5, 1977.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY–MAY 5, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 5, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father, give us a careful analysis of the issues before us, but as well a respect for and a patience with all of our colleagues. For problems that seem to be on dead center, lead this body toward perseverance and openness rather than frustration and defeat. When difficulties face us, may we find new roads until the impossible becomes possible and the possible becomes successful. So help us through this day to do our work with integrity and with the best that is in us. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

Page 1806, line 18, delete "532" and insert "542".
The Journal for the Seventy-Sixth Day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 522. Replaced on Select File as amended.
E & R amendment to LB 522:
1. On page 25, lines 23 and 24, show as stricken the matter stricken by the Warner amendment 1.

LEGISLATIVE BILL 4. Replaced on Select File as amended.
E & R amendments to LB 4:

1. On page 11, line 10, strike "49-1415,"; and in line 12 insert "and section 139, Legislative Bill 987, Eighty-fourth Legislature, Second Session, 1976," after the second comma.
2. In the title as amended, line 2, strike "49-1415,".

Correctly Engrossed

The following bills were correctly engrossed: 536 and 544.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 91. With Emergency.

A BILL FOR AN ACT to amend sections 54-820.01, 81-2,162.02, 81-2,162.06, and 81-2,162.23, Revised Statutes Supplement, 1976, relating to agriculture; to redefine a term; to provide exemptions from various requirements; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 1:

Newell

Excused and not voting, 1:

Kelly

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 338.

A BILL FOR AN ACT relating to banking; to define terms; to authorize transfer of trust business from an affiliated bank to a trust company 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, 44:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	DeCamp	Duis	Dworak
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Merz
Mills	Moylan	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Brennan	Cullan	Maxey	Murphy

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

LEGISLATIVE BILL 349.

A BILL FOR AN ACT to amend section 79-1509, Revised Statutes Supplement, 1976, relating to the school retirement system; to change provisions for membership of certain employees in the system; to provide an operative date; and to repeal the original section.

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

Voting in the affirmative, 42:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Venditte	Warner			

Voting in the negative, 7:

Chambers	Cullan	Dworak	Lamb	Murphy
Rasmussen	Stoney			

Not voting, 0.

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

LEGISLATIVE BILL 510.

A BILL FOR AN ACT to amend sections 2-1503, 2-1504, 2-1504.02, 2-1507, 23-320.08, 23-922, 72-222, and 85-163.04, Reissue Revised Statutes of Nebraska, 1943, and section 74-1305, Revised Statutes Supplement, 1976, relating to natural resources; to delete obsolete language; to harmonize provisions; and to repeal the original sections, and also sections 2-1508 to 2-1517.03, 2-1518 to 2-1528, 2-1530 to 2-1546, 2-1548 to 2-1567, 2-3261, 23-320.09, 31-801 to 31-816, 31-821, and 31-823 to 31-837, Reissue Revised Statutes of Nebraska, 1943, and section 31-822, Revised Statutes Supplement, 1976.

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

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--Print Amendments to LB 52

Mr. DeCamp asked unanimous consent to print the following amendments to LB 52 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 52

1. Strike the original bill and all amendments thereto and insert:

"Section 1. It is hereby declared to be the public policy of the State of Nebraska to protect and foster the prosperity and general welfare of its people by providing a new domestic source of energy and by stimulating the agricultural economy of Nebraska. In furtherance of such policy, it is the purpose of this act to provide the efforts necessary to build, operate, and maintain a grain alcohol plant in Nebraska to manufacture and market grain alcohol.

Sec. 2. That section, 66-410, Revised Statutes Supplement, 1976, be amended to read as follows:

Sec. 2. That section 66-410, Revised Statutes Supplement, 1976, be amended to read as follows:

66-410. At the time of filing the statement, required by section 66-409, such dealer shall, in addition to the other taxes provided for by law, pay a tax of eight and one half cents per gallon upon all motor vehicle fuels as shown by such statement; Provided, that effective January 1, ~~1973~~ 1978, gasoline sold in Nebraska

which contains a minimum of ten per cent blend of an agricultural ethyl alcohol ~~of~~ whose purity shall be at least ~~one hundred ninety proof~~ ninety-nine per cent alcohol shall be subject to a state motor fuel tax which is ~~three~~ five cents per gallon less than gasoline which does not contain such a blend. When the sale in Nebraska of gasoline containing such a blend exceeds ~~ten~~ twenty million gallons per year, an adjustment in the tax may be considered by the Legislature. Such dealers shall remit such tax to the Tax Commissioner.

Sec. 3. That section 66-428, Revised Statutes Supplement, 1976, be amended to read as follows:

66-428. There is hereby levied and imposed an excise tax of eight and one half cents per gallon upon the use of all motor vehicle fuels, as defined by section 66-410, used in this state, and due the State of Nebraska under the provisions of section 66-410 or Chapter 66, article 6; Provided, that such excise tax after January 1, ~~1973~~ 1978, shall be ~~five~~ three and one half cents per gallon on motor fuel containing a minimum of ten per cent blend of agricultural ethyl alcohol ~~of~~ whose purity shall be at least ~~one hundred ninety proof~~ ninety-nine per cent alcohol, and eight and one half cents per gallon on gasoline which does not contain such a blend. Users of motor vehicle fuels subject to taxation under this section shall be allowed the same exemptions, deductions, and rights of reimbursement as are authorized and permitted by sections 66-413 and 66-414. For purposes of this section and section 66-429, use shall mean the purchase or consumption of motor vehicle fuels in this state.

Sec. 4. That original sections 66-410 and 66-428, Revised Statutes Supplement, 1976, are repealed.".

2. In the title strike lines 2 through 7 and insert:

"FOR AN ACT to amend sections 66-410 and 66-428, Revised Statutes Supplement, 1976, relating to motor vehicle fuels; to state legislative intent; to change provisions relating to the use of agricultural alcohol in fuels as prescribed; and to repeal the original sections.".

RESOLUTION

LEGISLATIVE RESOLUTION 78. Read and considered.

Mr. Cullan asked unanimous consent to add his name to LR 78. No objections. So ordered.

Mr. Newell offered the following amendment:
Amend LR 78 to add "George W. Norris" and strike "George Gerdes".

Mr. Bereuter 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. F. Lewis requested a record vote on the Newell amendment.

Voting in the affirmative, 15:

Bereuter	Boughn	Burrows	Dworak	Fitzgerald
Fowler	George	Keyes	Koch	F. Lewis
Marsh	Moylan	Newell	Reutzel	Simon

Voting in the negative, 20:

Carsten	Clark	Cullan	Duis	Goodrich
Hasebroock	Hefner	Kahle	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marvel	Mills
Rasmussen	Rumery	Schmit	Swigart	Warner

Present and not voting, 14:

Barnett	Brennan	Chambers	Cope	DeCamp
Kelly	Kremer	Maxey	Merz	Murphy
Nichol	Savage	Stoney	Venditte	

The Newell amendment lost with 15 ayes, 20 nays, and 14 present and not voting.

Mr. Simon moved to bracket LR 78 until January, 1978.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

The motion to bracket lost with 15 ayes, 25 nays, and 9 present and not voting.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 3 nays, and 12 not voting.

Mr. Chambers requested a roll call vote on the adoption of LR 78.

Voting in the affirmative, 24:

Barnett	Brennan	Clark	Cullan	DeCamp
Duis	George	Goodrich	Hasebroock	Jefmer
Kahle	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Marvel	Merz	Nichol	Rumery
Savage	Schmit	Swigart	Venditte	

Voting in the negative, 25:

Bereuter	Boughn	Burrows	Carsten	Chambers
Cope	Dworak	Fitzgerald	Fowler	Kelly
Keyes	Koch	Kremer	Maresh	Marsh
Maxey	Mills	Moylan	Murphy	Newell
Rasmussen	Reutzel	Simon	Stoney	Warner

Not voting, 0.

LR 78 failed with 24 ayes, 25 nays, and 0 not voting.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 83
May 2, 1977

Dear Senator DeCamp:

You have asked for our opinion as to the constitutional validity of L.B. 524. This bill consists of one section, which provides:

> "No action may be maintained under Chapter 59, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, against any person, corporation, organization, or association for acting pursuant to and under the authority of any state or federal law. It is the purpose of this section to reaffirm that a person may rely on the validity of any state or federal law until declared invalid."

We believe that this bill presents certain constitutional difficultives. Chapter 59 of the Nebraska statutes deals with monopolies and unlawful combinations. It provides for varioustypes of legal actions in the event of violation of its provisions, including criminal, quo warranto and mandamus actions and actions for damages and injunctions. Under the clear terms of L.B. 524, all of these actions would be barred if the action complained of was authorized by any state or federal law, even though that law is invalid.

So far as an action for criminal sanctions is concerned, the act might be upheld. In most criminal actions, criminal intent is an essential element of the crime, and if some statute apparently authorizes the action in question, this might be a valid defense, since, it can be argued, the necessary criminal intent is lacking. This bill, in that respect, would simply be affirmance by the Legislature that this should be proof of lack of the necessary intent.

With respect to civil actions, however, a different situation prevails. In that case, some other person or corporation will, presumably, have been injured by the action which is prohibited by some provision of Chapter 59, but authorized by some other statutory provision which is unconstitutional. L.B. 524 would, nevertheless, deny the injured party

To illustrate what we mean, Chapter 59, Article 8 forbids monopolies and combinations in restraint of trade. Provisions in that article permit injunctions and actions for damages by persons injured by such illegal activities. Suppose the Legislature were to pass a bill permitting corporations to refuse to do business with blacks, and all of the white-controlled corporations engaged in a particular industry conspired to refuse to do business with a black man, driving him out of business.

Obviously, the bill authorizing such action would be palpably unconstitutional, and the conspiracy would be in violation of the provisions of Chapter 59. Yet, L.B. 524 would appear to deny the injured black man any recovery of damages, or even an injunction action to restrain the unlawful conspiracy.

An unconstitutional law is a nullity, and it cannot be used to deprive a private person of his right to access to the courts and redress of grievances. In 16 Am. Jur. 2d 923, Constitutional Law, Section 533, we find:

> ". . . The Supreme Court at an early date recognized the rule that an act of the legislature which in terms would give to one individual certain rights and the benefit of certain modes of procedure, and would deny to another similarly situated the same rights, could be challenged successfully on the ground of unjust discrimination and denial of the equal protection of the laws. . . ."

We are therefore of the opinion that L.B. 524, in taking away from private citizens rights of action they would otherwise have under the provisions of Chapter 59, because the action they complain of is authorized by an unconstitutional law, thereby deprives them of equal protection and due process of law, in violation of the federal Constitution. It also deprives them of due process of law, in violation of Article I, section 3 of the Nebraska Constitution.

You have specifically asked whether the fact that L.B. 524 is limited in its application to actions under Chapter 59 makes it unreasonable classification, or special legislation, in violation of Article III, Section 18 of the Nebraska Constitution. We do not believe that is a major problem with respect to this bill. As we have indicated, we believe that it could

only be applied as a defense in criminal actions. In some types of criminal actions, lack of criminal intent is a defense, and in others it is not. For the Legislature to provide that, with respect to criminal actions brought under Chapter 59, lack of the necessary criminal intent could be shown by proof that the allegedly criminal action was authorized by some other statutory provision is not, in our opinion, unreasonable. A general law so providing might provide a defense against a criminal action in another field, in which criminal intent is not a defense and in which the Legislature did not intend it to be a defense. Therefore, a general law would not be appropriate. We therefore feel that the classification involved in L.B. 524, in the respect you inquire about, could be defended.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

Opinion No. 84
April 29, 1977

Dear Senator Kremer:

You have asked several questions pertaining to the constitutionality of section 3 of LB 217. You specifically inquire about the provisions of subsections (2) and (3) of section 3 which provide:

> "(2) Within ninety days after the effective date of this act, each natural resources district shall adopt, following public hearing, notice of which shall be given in the manner provided in section 46-658, rules and regulations necessary to control or prohibit surface runoff of water derived from surface water irrigation. Such rules and regulations shall prescribe (a) standards and criteria delineating what constitutes the inefficient or improper runoff of surface water used in irrigation, (b) procedures to prevent, control, and abate such runoff, (c) measures for the construction, modification, extension or operation of remedial measures to prevent, control, or abate runoff of surface 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 to this section. Any such order may be issued against an individual, partnership, association, corporation, company, cooperative, irrigation district, or irrigation company."

I.

You first ask whether subsection (2) constitutes an unlawful delegation of power to a natural resources district (hereinafter NRD). Subsection (1) of section 3 provides that anyone using surface water for irrigation shall control or prevent the runoff of water so used for the purpose of conserving water supplies and preventing inefficient or improper runoff. Subsection (4) provides that the regulations adopted pursuant to subsection (2) "shall recognize the necessity of properly managed return flows." The task of determining what is inefficient and improper runoff, and the procedures and measures to be taken for implementation and enforcement of the act is delegated to each of the twenty-four NRDs in this state. Since the Legislature has previously vested the NRDs with certain powers, they are governmental subdivisions. (See, e.g., section 2-3225, R.S.Supp., 1976, power to levy a tax; section 46-656, et seq., R.S.Supp., 1976, powers over ground water control areas.) In Peterson v. Cook, 175 Neb. 296, 121 N.W.2d 399 (1963), the court discussed some of the principles applicable to this question:

> " 'It is a well-settled rule, supported with practical unanimity by the authorities, that the general doctrine prohibiting the delegation of legislative authority has no application to the vesting in political subdivisions of powers to govern matters which are local in scope. . . .' "

It is also well settled that the Legislature may delegate to a governmental subdivision the details of implementing a statute. State v. Cutright, 193 Neb. 303, 226 N.W.2d 771 (1975).

The boundaries of the NRDs are determined according to hydrologic patterns and generally encompass areas with related resource problems. See, section 2-3203, R.R.S. 1943. Due to the differences in terrains, porosity of soils, hydrologic patterns and other conditions occurring in the various NRDs, it is logical to assume that different procedures and measures may be necessary to control runoff in each NRD. What may be inefficient or improper runoff in one NRD may not be so in another. Obviously, it would virtually be a physical impossibility for the Legislature to visit each district and make the technical determinations necessary under subsection (2). These determinations are local in scope.

Thus, we believe that the Legislature may properly delegate the responsibility for making and enforcing these determinations to the NRDs.

II.

You next ask whether subsection (2) of section 3 creates vague and uncertain standards which would deprive a person of property without due process of law in contravention of Article I, Section 3, of the Constitution

of Nebraska. As noted above, the Legislature may properly delegate the implementation of section 3 to the NRDs. We believe that the same factors permitting delegation as discussed above also require broad and flexible standards to guide the NRDs in their implementation. The necessity of providing standards flexible enough to insure the effective application of legislative policy to changing circumstances and different situations requires the use of such words as "inefficient" and "improper." See, 1 Davis, Administrative Law Treatise, Section 2.07 through Section 2.13 (1958) and Supplement (1970).

The standard used by the courts in determining whether legislation is vague and uncertain is set forth in Bridgeford v. U-Haul Company, 195 Neb. 308, 238 N.W. 2d 443 (1976), wherein the court ruled that a statute is not vague unless men of normal intelligence would necessarily have to guess at its meaning or would usually differ as to its application. In Nieman v. Nebraska Natural Resources Commission, 191 Neb. 672, 217 N.W. 2d 166 (1974), the court expounded upon this proposition:

> ". . . It is a general rule that a statute must be reasonably clear and definite to be valid. . . . But a statute which is otherwise valid will not be held void or unintelligible and meaningless unless it is so imperfect and deficient in its terms as to render it impossible of execution and enforcement. If the intent and purpose of the Legislature can be ascertained and the statute is susceptible to a reasonable construction which will support and give it effect, the statute will be held valid." Id. at 675.

We believe that the words "inefficient" and "improper" and the other terms employed in subsection (2) are terms of common understanding and clearly men of normal intelligence would not have to guess at their meanings. The interest and purpose of section 3 certainly is clear and we cannot say that the terms employed are so unintelligible and meaningless as to render them incapable of execution and enforcement. Thus, we believe that the standards contained in subsection (2) are not impermissibly vague and uncertain under Article I, Section 3, of the Constitution.

III.

You next inquire whether subsection (3) has the effect of impairing the obligation of contracts contrary to Article I, Section 16, of the Constitution of Nebraska. You note that many surface water irrigators have contracted with irrigation districts whereby the district agrees to deliver water to the irrigator for a fee. You are concerned that subsection (3) would allow the NRD to issue a cease and desist order prohibiting the delivery of irrigation water to any consumer who failed to prevent or control runoff pursuant to NRD rules and regulations.

Article I, Section 16, provides that no law impairing the obligation of contracts shall be passed. Article XV, Section 4, of the Constitution declares the necessity of water for irrigation purposes in this state to be a

natural want. Article XV, Section 5, of the Constitution dedicates the water of every natural stream within the state to the people of the state. In State ex rel. Cary v. Cochran, 138 Neb. 163, 292 N.W. 239 (1940), the court stated:

> "That the state in the exercise of its police power may supervise and control the appropriation, diversion and distribution of the public waters of the state, and impose that duty upon administrative officers, is well settled. . . ." Id. at 168.

This duty has been imposed largely upon the Department of Water Resources by Chapter 46, art. 2, of the Revised Statutes of Nebraska. Our court has long adhered to the rule that it is the duty of the state to prevent the waste of waters available for irrigation purposes and to secure the greatest benefit possible from available irrigation waters. State ex rel. Cary v. Cochran, supra; State v. Birdwood Irrigation District, 154 Neb. 52, 46 N.W.2d 884 (1951). Thus, there is little doubt that the stated purpose of section 3 of LB 217 is a proper subject for an exercise of legislative police powers.

It is generally held that contractual rights must yield to the public welfare where the latter is appropriately declared and defined by a valid legislative enactment under the state's police power. Placek v. Edstrom, 151, Neb. 225, 37 N.W.2d 203, cert. denied, 338 U.S. 892 (1949). Our court has previously recognized the supremacy of the public welfare in the use of surface waters for irrigation purposes. In McCook Irrigation & Water Power Company v. Burtless, 98 Neb. 141, 152 N.W. 334 (1915), the irrigation company had contracted to provide its consumers with water at the rate of one dollar an acre a year. The company sought and was granted the authority to increase the rate to two dollars per year from the State Railway Commission. The consumers brought an action claiming that the commission's action impaired the obligation of their contracts and that the one dollar rate fixed in the contract was a property right with which the state, in the exercise of its regulatory power, could not interfere. The court, recognizing the paramount public interest in the regulation of the use of surface water for irrigation purposes, rejected the consumers' argument, stating:

> ". . . [A]ny contracts entered into between the irrigation company and consumers under the ditch, with reference to the annual rates which should be charged for the use of water, were entered into with the law forming a part of the contract, and were subject to legislative control. . . ." (Emphasis added.) Id. at 145.

Likewise in State v. Birdwood Irrigation District, supra, the Department of Roads & Irrigation canceled part of the district's appropriation for non-use under statutory authority which had been enacted subsequent to the acquisition of the district's water right. The court, again recognizing

the overriding interests in the state administration of public waters, held that the statutory provisions were applicable and ruled:

> "... The adjudication of the water right gave to the Birdwood Irrigation District and its predecessors in interest a vested right to the use of the waters appropriated, subject to the law at the time the vested interest was acquired and such reasonable regulations subsequently adopted by virtue of the police power of the state. Enterprise Irrigation District v. Willis, 135 Neb. 827, 284 N.W. 326; State ex rel. Cary v. Cochran, 138 Neb. 163, 292 N.W. 239." (Emphasis added.) 154 Neb. at 55.

Thus, it appears that any contract entered into between an irrigation district and an irrigator is subject to reasonable regulation under the state's police power. Control of runoff appears, on its face, to be a reasonable means of conserving water which is a legitimate subject of state regulation. (Whether controlling runoff of surface water does, in fact, conserve water or promote any other public benefit is a question of fact with which we are not herein presented.)

You note that section 46-160, R.R.S. 1943, makes any irrigation district liable in damages for negligence in failing to deliver irrigation water. As a general principle, performance of a contract is excused where performance is rendered impossible by law as long as the promisor is not at fault. Columbus River Power & Light Company v. Columbus, 249 U.S. 339 (1919). A district could certainly not be considered negligent for failure to deliver irrigation water under section 46-160 if an NRD ordered the district to refrain from delivering water to an irrigator until the irrigator complied with runoff control regulations.

IV.

Lastly, you question whether section 3 violates the due process clause of the Constitution because it does not provide for a hearing of any kind prior to the issuance of a cease and desist order under subsection (3).

Section 3 of LB 217 pertains to the control of runoff from surface water irrigation and amends no existing statute. Section 3 does not provide for a hearing before or after the issuance of a cease and desist order nor does it provide a procedure for judicial review of such an order. Although the NRDs may choose to provide for prior hearings in their rules and regulations, the law does not require it.

Certainly an appropriator of surface water who has complied with the statutory requirements holds a vested property right in the use of that water. Enterprise Irrigation District v. Willis, 135 Neb. 827, 284 N.W. 326 (1939). Although an NRD would presumably have other alternatives besides depriving the noncomplying irrigator of water, any order which could prevent an irrigator from receiving life sustaining water could obviously deprive him of his livelihood. The concept of procedural due process generally affords to every person the constitutional right to notice

and hearing sometime before a final taking of his life, liberty or property. Stauffer v. Weedlun, 188 Neb. 105, 195 N.W.2d 218, appeal dismissed, 409 U.S. 972 (1972). The question of exactly when a hearing is required, if at all, is a balancing process. In Stauffer v. Weedlun, supra, a motor vehicle license revocation case, the court discussed this question at length:

> "... The extent to which procedural due process must be afforded the recipient is influenced by the extent to which he may be condemned to suffer grievous loss, ... and depends upon whether the recipient's interest in avoiding that loss outweighs the governmental interest in summary adjudication. ...[C]onsideration of what procedures due process may require under any given set of circumstances must begin with a determination of the precise nature of the government function involved as well as of the private interest that has been affected by governmental action. ...It is true, of course, that some governmental benefits may be administratively terminated without affording the recipient a pre-termination evidentiary hearing. ... [The United States Supreme Court] has long recognized that the requirements of due process may vary according to the nature of the interest to be protected and the likelihood of harm to the individual. ... The due process of law provisions do not prevent an administrative agency in every case from issuing an order affecting the private rights of an individual without formal notice and hearing before such order. The due process requirements may under some circumstances be satisfied if full hearing in the courts is available after the administrative order with judicial power to stay irreparable injury pending court hearing. ..." Id. at 112-113.

The court in Stauffer ruled that the statutory procedures for judicial review entailing a full evidentiary hearing after the administrative order revoking the driver's license would satisfy due process requirements since the admiistrative action was ministerial only. The court distinguished cases involving administrative exercises of discretion, stating that such actions may require notice and hearing to protect the individual against mistake.

As noted above, the NRDs are given broad discretion under section 3. Section 3 vests the NRDs with legislative, executive, administrative, and quasi-judicial powers. Since Section 3 lacks any procedures for notice and hearing, either before or after the order, it appears to be constitutionally deficient.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Steven C. Smith
Assistant Attorney General

SCS:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 81

Introduced by Venditte, 7th District.

WHEREAS, the supply of our nation's energy is dwindling at an alarming rate; and

WHEREAS, extravagant use of energy has propelled us toward heavy exploitation of our natural resources; and

WHEREAS, the impact of drastically decreased quantities of energy for all purposes may rest heavily upon the life of every Nebraskan; and

WHEREAS, many standards set by state and federal governments have been wasteful of our nation's precious energy resources; and

WHEREAS, the energy crisis has created numerous complex issues in many industries which need to be addressed; and

WHEREAS, conservation of energy could be achieved by promotion of car pools, promotion of public transportation, changes in Interstate Commerce Commission rules to allow more efficient use of trucks, and by proper insulation of buildings and homes; and

WHEREAS, the Legislature has a major part of the responsibility to ultimately see that each citizen is provided with an efficient and economical energy program; and

WHEREAS, the Legislature recognizes that proper energy development may require changes or additions to the statutes of Nebraska.

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

1. That the Legislature work toward the formulation of a state energy plan, including potential benefits and problems which would or might result from such plan, to protect our depleted energy resources and preserve our quality of life.

2. That the Legislature provide tax incentives to both industry and individuals who conserve energy.

3. That the Legislature 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 Legislature in its work.

4. That the Legislature encourage executive action to effectuate energy conservation and if necessary secure passage of remedial legislation.

5. That educational programs be provided in the state to emphasize the need of and the methods for energy conservation.

Laid over.

REPORT OF THE EXECUTIVE BOARD

May 5, 1977

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

The Legislative Council Executive Board, at its meeting of Wednesday, May 4, 1977, voted by a unanimous vote of those present, to publish the attached Proposals for Personnel System which the Board adopted, in the Daily Legislative Journal.

Respectfully submitted,

(Signed) Senator Richard D. Marvel, Chairman
Legislative Council Executive Board

The following procedures are the implementation proposals for the Personnel System:

1. Adopt the job descriptions as shown.
2. Adopt the proposed salary schedule as shown for the period of February 1, 1977 through June 30, 1978.
3. Adopt the placement of staff into specific job descriptions and salary schedule as shown.
4. Adopt the salary adjustments proposed for those individuals indicated in attachment.
5. Effective immediatly any employee covered by the system adopted may be placed on probation and shall remain on probation until a formal evaluation of the individual's performance has been completed by the Executive Board. When an individual has been advised that they are being placed on a probationary status, they must be informed in writing with a copy being sent to the Chairman of the Executive Board.
6. An indivudal may be placed in a position on a probationary basis for a period of up to six months. The probationary salary may be 10 percent below the minimum salary for the position.
7. Motion was made and seconded that the Executive Board adopt the salary increase proposal that the Legislature ultimately adopts for the executive branch as contained in LB 530, 531 and 532, based on the salary an employee is receiving as of July 1, 1977. Motion carried.

April 22, 1977

NEBRASKA LEGISLATIVE COUNCIL
RESEARCH DIVISION–DIRECTOR

SUMMARY
This position is responsible for carrying out and directing research into matters of government, social, economic and political areas as requested by the members of the Legislature or committees. Carries out interim research activities pursuant to resolutions adopted by the Legislature. Serves as secretary to the Executive Board and sees that actions of the Board are implemented.

DUTIES AND RESPONSIBILITIES
1. Directs and assigns staff members when research assistance is requested by committees or members of the legislature.
2. Performs research tasks personally as requested.
3. Assist the Executive Board and Reference Committee in referring bills introduced to the appropriate committees.
4. Before each election prepare and publish explanations of any proposed constitutional amendments and prepare ballot statements as to effects of "yes" and "no" votes relative to each proposed amendment.
5. Direct the preparation and publication of summaries of all bills passed following each session of the Legislature.
6. Supervise staff and administer activities of the Office.

MINIMUM QUALIFICATIONS
At least a Masters Degree in political science, economics or public administration. Additional graduate work desirable but not required. Should have at least three years of experience academic areas related to state and local government and/or experience in government research and administration sufficient to provide familiarity with the legislative process and resource materials available.

LEGISLATIVE FISCAL OFFICE–DIRECTOR

SUMMARY
This position is responsible for all functions and activities assigned to the Legislative Fiscal Analyst by Chapters 50-418, 50-420 Nebraska Revised Statutes and L.B. 193, 85th Legislature. Reports to the Executive Board of the Legislative Council, the Appropriations Committee and the Performance Review and Audit Committee.

DUTIES AND RESPONSIBILITIES
1. Administration of all activities of the Legislative Fiscal Office including: (a) Planning, organizing, and directing all activities of the office and staff. (b) Budgetary review and analysis. (c) Employment and direction of the necessary staff and assistants. (d) Necessary

interrelationships with various agencies and departments of government.
2. At the direction of the Performance Review and Audit Committee direct analyses of the performance, management and accomplishments of state government agencies in relation to various programs and other state aid programs.
3. Define and develop such standards of Agency performance and methods of measurement.
4. Provide information and (advice) to the appropriate committees and individual Senators.

MINIMUM QUALIFICATIONS
A College Degree, with a graduate degree desirable. The person holding this position should have five or more years of experience in the Legislative Fiscal Office or equivalent experience in government or business, at least three years of which should have been in an administrative or supervisory capacity.

LEGISLATIVE FISCAL OFFICE–Assistant Director
Summary
This position provides major support and assistance to the Director. In addition to delegated responsibility for the administration of the Office, the Assistant Director may be required to assume any or all of the duties and responsibilities of the Director. May assume other duties as directed.

DUTIES AND RESPONSIBILITIES
1. Administration of day to day operations of the Office.
2. Supervision and assignment of non-routine projects
3. Personnel responsibility including: (a) Staff evaluation procedures (b) programs for professional growth (c) staff development programs (d) assist in recruitment and training of staff
3. Fiscal note procedures.
4. Limited budgetary assignments.

MINIMUM QUALIFICATIONS
A College Degree, with a graduate degree desirable. The Assistant Director should be able to meet most of the requirements of the Director's position but qualifying experience may be less.

LEGISLATIVE FISCAL OFFICE–Senior Program Analyst
Summary
This position is responsible for the fiscal and program analysis and program evaluation of all agencies in one of the functional areas in which state agencies are divided, i.e. (a) human resources, (b) education, (c) general government and natural resources.

DUTIES AND RESPONSIBILITIES

1. Providing guidance to the Director in the assigned area of government.
2. Planning, organizing, directing and coordinating all phases of analysis and evaluation within assigned area.
3. Conferring with the Appropriations Committee and other Senators in the development of objectives, policies and recommendations relative to the assigned agencies.
4. Delegating of responsibilities and supervising the work of other staff members.
5. Directing the preparation and submission of necessary statistical and financial reports relative to assigned area.

MINIMUM QUALIFICATIONS

Education and Experience. College degree or a combination of education and experience. Some training in accounting or financial analysis desirable. Must have three or more years of experience in Legislative Fiscal Office or equivalent. Must have considerable knowledge of (a) public policy, (b) agency functions and activities, (c) governmental principles relating to agencies in assigned area.

Abilities. Should demonstrate, by past performance or otherwise, ability to:

(a) analyze and provide solutions to funding, financial and budget problems

(b) analyze and evaluate performance and compliance with legislative intent and the statutes by the assigned agencies

(c) delegate responsibility and authority and supervise performance within such delegations

(d) communicate clearly and concisely, both orally and in writing

(e) exercise judgment in appraising problems, considering alternative solutions and making recommendations as to appropriate action.

LEGISLATIVE FISCAL OFFICE--Program Analyst

SUMMARY

This position is responsible for fiscal and performance analyses of assigned agencies. Works under the direction of a Senior Program Analyst and performs such studies and makes such reports as may be required or is directed to accomplish.

DUTIES AND RESPONSIBILITIES

1. Reviewing and making recommendations relative to programs and budgets of assigned agencies of state government.
2. Reviewing and evaluating requests by assigned agencies for appropriations and recommended appropriations contained in the Executive Budget.

3. Conducting program evaluations and reporting on same.
4. Analyzing and advising on effects of legislation.
5. Preparing and analyzing the effects of new legislation for consideration by the appropriate committees and individual Senators.
6. Provides information to committees or Senators regarding assigned agencies.
7. Supervision of other employees as assigned.

MINIMUM QUALIFICATIONS

Education and Experience. College degree or equivalent experience or combination. Some training in accounting desirable. Must have experience in Legislative Fiscal Office or other agency sufficient to gain understanding of government organization and the functions or particular areas of government activity. Experience and education in areas of assignment may be accepted.

Abilities. Should demonstrate, by past performance or otherwise, ability to: (a) analyze the budgets and fiscal operations of assigned agencies
(b) to apply measures of evaluation and performance by assigned agencies with the statutes and legislative intent
(c) accept delegated responsibilities and assignments
(d) communicate clearly and concisely, both orally and in writing
(e) to cooperate with other analysts during joint completion of projects or budgets.

LEGISLATIVE FISCAL OFFICE--Budget Analyst

SUMMARY

This position is responsible to a Senior Analyst or Program Analyst and carries out assignments as directed. These assignments may include program evaluations, post audits, legislative impact, budget review, and the development of new legislative proposals. Makes reports to the Appropriations or other committees and individual Senators as required. Assigned to less complex problems than program analyst and receives greater direction.

DUTIES AND RESPONSIBILITIES

1. Reviewing and making recommendations relative to programs and budgets of assigned agencies of state government.
2. Reviewing and evaluating requests by assigned agencies for appropriations and recommended appropriations contained in the Executive Budget.
3. Formulating and making analyses of the impact of proposed legislation.
4. Analyzing and evaluating program performance as required.
5. Conducting special studies as may be assigned.

MINIMUM QUALIFICATIONS

Education and Experience. College degree or equivalent experience or combination. Some training or experience in accounting desirable. Some experience in working with budgets or as a specialist in an area of government relating to the particular assignment, or equivalent experience.

Abilities. Should demonstrate by past performance or otherwise, ability, under direction, to:

(a) analyze the budgets and fiscal operations of assigned agencies
(b) under supervision to apply measures of evaluation and performance by assigned agencies with the statutes and legislative intent
(c) accept delegated responsibilities and assignments
(d) communicate clearly and concisely, both orally and in writing
(e) accept direction and cooperate with other analysts

LEGISLATIVE FISCAL OFFICE–Budget Analyst Trainee

SUMMARY

This is essentially a training position whereby the holder may become familiar with the organization and functions of the agencies of the state government and the work of the Legislative Fiscal Office. Responsible to a Senior Program Analyst and carries out assignments as directed. Works closely with and under the direct supervision of a senior employee.

DUTIES AND RESPONSIBILITIES

1. May include technical assistance in budget preparation.
2. May be assigned to research in statutes or budget data.
3. Under direction may prepare memoranda on the impact of proposed legislation.
4. Review budgets and program performance of agencies as directed.
5. Provides support and assistance to senior employees as assigned.

MINIMUM QUALIFICATIONS

College degree or equivalent experience. Degree in one of the functional areas may be acceptable in some instances. Training in accounting and budgeting desirable.

OFFICE OF CLERK–Clerk of the Legislature

SUMMARY

The office of Clerk is the administrative office of the legislature. Acts as recording secretary, prepares and distributes the daily journal, has printed and distributes the bills and resolutions considered by the legislature. Maintains all records and provides necessary supplies and staff for the legislature and members. Administration of legislative staff during sessions.

DUTIES AND RESPONSIBILITIES

1. Acts as recording secretary for the legislature.
2. Prepares and distributes daily journal.
3. Has printed and distributes bills and resolutions considered by the legislature.
4. Prepares and has printed the various publications of the legislature including indexes of bills, rosters and publications relative to the legislature, its organization and functions.
5. Has printed and distributes stationery and other office supplies for members of the legislature.
6. Supervises publication of the Blue Book.
7. Compiles and edits the Session laws and bound volumes of the Legislative Journal.
8. Maintains register and compiles reports as to lobby registration.
9. Is member of The Records Management Board by statute.
10. Management of legislative employees.
11. Other duties assigned by statute as relating to election contests and receipt of bonds of officers and employees.

MINIMUM QUALIFICATIONS

A law degree and at least three years experience in legislative operations. Experience required in work with the legislature and especially the activities during legislative sessions and dealings with members of the legislature.

Enrollment and Review Attorney

SUMMARY

This position serves as the attorney for the Committee on Enrollment and Review and is responsible for engrossing of all bills after review as to form and compliance with legal form and requirements. Supervises the computerized bill drafting system.

DUTIES AND RESPONSIBILITIES

1. Supervise the computerized bill drafting system and perform research of the Constitution and Statutes through use of the computerized system.
2. Review all bills and amendments between stages of floor consideration as to arrangement, phraseology, correlation and compliance with Rules of the Unicameral and Constitution as to form.
3. Supervise the engrossing of all bills and resolutions prior to final reading.
4. Consult with and advise committees and legislators upon request and perform necessary research.
5. Draft bills, amendments, and resolutions and advise other bill drafters.

6. Supervise the annual updating of the data base to reflect the most recent actions of the Legislature.

MINIMUM QUALIFICATIONS
Must possess a law degree including or supplemented by training in writing and the use of the English language. At least two years experience in state government including experience in bill drafting or as an aid to legislative committees.

Assistant Revisor of Statutes and Bill Drafter

SUMMARY
This position works closely with the Revisor of Statutes and should be qualified to assume administrative duties or any other functions of the office in his absence.

DUTIES AND RESPONSIBILITIES
1. Provide assistance in performing the duties of review and preparation of corrective bills.
2. Draft bills and resolutions as required.
3. Draft amendments as required.
4. Legal research relative to proposed legislation.

MINIMUM QUALIFICATIONS
Must possess a law degree including or supplemented by training in writing and the use of the English language. Experience in state government desirable but not required.

Ombudsman

SUMMARY
This position serves as counsel to members of the public who have problems or wish to make complaints against agencies of state government. Works with agencies to improve relationships with the public and revise or remove procedures giving rise to problems or complaints.

DUTIES AND RESPONSIBILITIES
1. Investigates and responds to citizen complaints against agencies of state government.
2. Assists citizens in finding appropriate agencies to provide aid or assistance.
3. Directs the attention of agencies to problem areas or improper actions taken.
4. May recommend modification of laws or regulations to remove sources of complaint or to provide greater service.

5. May recommend improved controls to avoid objectionable or improper acts by agency personnel.
6. Counsels and work with agencies to improve government actions in providing public services and controls.

MINIMUM QUALIFICATIONS
College degree, preferably in business or public administration. At least three years experience in administration in state government providing a broad knowledge of government and administrative rules and procedures.

Revisor of Regulations

SUMMARY
This position is required to maintain a depository of all agency rules and regulations and to establish and maintain guidelines for the preparation and indexing of rules and regulations by individual agencies of government. Is responsible for the distribution of agency rules and regulations to law and other libraries. Certifies copies as required.

DUTIES AND RESPONSIBILITIES
1. Examine and certify agency rules and regulations as filed.
2. Maintain files of all agency rules and regulations.
3. Publish and distribute copies of rules and regulations to law and other libraries.
4. Maintain and provide material to update rules and regulations to subscribers to ADMINISTRATIVE RULES AND REGULATIONS.
5. Provide certified copies upon request.
6. Answer inquiries as to filed materials.
7. Report to Committee on Administrative Agency Rules & Regulations complaints received as to rules and regulations.

MINIMUM QUALIFICATIONS
Paralegal or some legal training including training or experience in administrative law. At least one year of administrative experience with state government.

Research Office–Research Analyst I and Legal Counsel I

SUMMARY
Performs basic research under direction of a senator or another member of the research staff.

DUTIES AND RESPONSIBILITIES
1. Performs basic research under direction.
2. May be assigned to work with a legislative committee or individual senator.
3. Compiles information and makes research reports, either orally or in writing.

MINIMUM QUALIFICATIONS
Bachelors Degree in a field related to the area of assignment with up to two years related work experience or two years of college and three years of related work experience as a research trainee or comparable position. **Basic knowledge of research and investigative techniques. Ability to analyze and interpret results. Ability to communicate findings orally and in writing.

**Masters Degree and law degree could enter this category with no experience.

Research Office–Research Analyst II and Legal Counsel II

SUMMARY
Performs more advanced levels of research using considerable independent judgment. Works under limited direction of a senator or another member of the research staff.

DUTIES AND RESPONSIBILITIES
1. Performs research as assigned.
2. May be assigned to carry out research with limited direction.
3. May be assigned to work with senator or other member of research staff.

MINIMUM QUALIFICATIONS
Bachelors degree in field related to area of assignment and at least three years experience as an Analyst I or comparable position or Masters Degree in field related to assignment; or law degree; or two years of college and six years of experience as a research analyst. Considerable knowledge of research and investigative procedure and techniques. Knowledge of literature and other resource materials. Ability to communicate effectively in writing or orally to groups of senators or committees.

Research Office–Research Analyst III and Legal Counsel III

SUMMARY
Performs complex research and statistical analysis using independent judgment. Receives limited supervision and exercises wide latitude in choosing resources and methods. May supervise other analysts.

DUTIES AND RESOURCES
1. Performs research as assigned formulating own plan and methods.
2. May be assigned to carry out major research and direct work of others.
3. May be assigned to work with legislative committees or individual senators.

MINIMUM QUALIFICATIONS
Bachelors Degree in field related to area of assignment and at least five years experience as a research analyst; or a Masters Degree in a field related to area of assignment and at least three years experience as a research analyst; or a law degree and three years experience as a research analyst. Thorough knowledge of research and investigative procedures and techniques. Considerable knowledge of literature and other resource materials. Considerable ability to analyze and interpret results of research. Ability to present findings and conclusions to senators, committees, and other government officials.

Research Office–Research Trainee

SUMMARY
This is essentially a training position whereby the holder may become familiar with the organization and functions of state government. Learns to perform beginning level research of a simple nature. Works under the direct supervision of a senator or another member of the research staff.

DUTIES AND RESPONSIBILITIES
1. Performs research of a simple nature as assigned.
2. May be assigned to work with a legislative committee or individual senator.
3. Compiles information and makes reports, either orally or in writing.

MINIMUM QUALIFICATIONS
At least two years of college, preferably in a field related to research assignments. Beginning knowledge of research and investigative procedures and techniques. Ability to present findings orally and in writing. Ability to make basic interpretations and draw conclusions.

Revisor of Statutes and Bill Drafter

SUMMARY
This position is responsible for reviewing legislation and reporting to the Legislative Council as to defects in the statutes and constitution of the state and the drafting of corrective legislation. Responsible for providing bill drafting services to the committees and legislators. Publishes sessions laws, annotations to the statutes and arrange and correlate for publication replacements of the permanent volumes of the statutes.

DUTIES AND RESPONSIBILITIES
1. Draft bills and prepare resolutions in accordance with the constitutional and legal requirements and in accordance with the Rules of the Nebraska Unicameral.

2. Draft amendments to bills as required.
3. Review and make recommendations for the revision of statutes and the preparation of bills for such revisions.
4. Reissue statutes and supplements and provide for the publication of session laws and annotations.
5. Supervision of other employees and staff.

MINIMUM QUALIFICATIONS
Must possess a law degree including or supplemented by training in writing and the use of the English language. At least two years experience in state government in bill drafting or familiarity with gained through work with legislative committees or other similar experience.

CLASSIFICATION: Division Director

PAY GRADE: L-1
PAY RANGE: $24,600 - $29,700
POSITIONS INCLUDED:
Clerk of the Legislature
Director of Research
Revisor of Statutes
Legislative Fiscal Analyst

CLASSIFICATION: Working Supervisors

PAY GRADE: L-2
PAY RANGE: $18,900 - $24,000
POSITIONS INCLUDED:
Deputy Legislative Fiscal Analyst
Ombudsman
Assistant Clerk of the Legislature
Assistant Revisor of Statutes
Enrollment and Review Attorney
Senior Program Analyst

CLASSIFICATION: Research Associate III

PAY GRADE: L-3
PAY RANGE: $15,300 - $20,400
POSITIONS INCLUDED:
Program Analyst
Research Analyst III
Bill Drafter
Facilities Analyst
Legal Counsel III

CLASSIFICATION: Research Associate II

PAY GRADE: L-4
PAY RANGE: $11,400 - $16,800
POSITIONS INCLUDED: Research Analyst II
Budget Analyst
Legal Counsel II

CLASSIFICATION: Research Associate I

PAY GRADE: L-5
PAY RANGE: $8,400 - $12,600
POSITIONS INCLUDED: Research Analyst I
Budget Analyst Trainee
Legal Counsel I

CLASSIFICATION: Miscellaneous Temporary Professional

PAY GRADE: L-6
PAY RANGE: $5,412 - $9,600
POSITIONS INCLUDED: Student Trainee
Legislative Intern

Job Classifications

Dale Johnson	Deputy Director
W. C. Mullan	Sen. Program Analyst
Alan Moeller	Program Analyst
Judy Corliss	Program Analyst
Jim Hanlon	Budget Analyst
Steve Morris	Budget Analyst
Dan Taylor	Budget Analyst
Roger Rutledge	Facilities Analyst
Tom Bergquist	Budget Analyst Trainee
Sandy Myers	Budget Analyst Trainee
Ron Bowmaster	Research Analyst III
Dave Landis	Research Analyst II
Bill Locke	Research Analyst II
Gerry Jacobs	Research Analyst II
Dick Brown	Research Analyst II
Kendra Jones	Research Analyst II
Bill Nicholas	Research Analyst III
Joette Pelster	Research Analyst II
Gordon Peterson	Research Analyst II

Rich Lombardi	Research Analyst II
John Evans	Legal Counsel III
Brian Kreger	Legal Counsel III

SALARY ADJUSTMENTS

Research Division

Name	Classification	Salary Current	Proposed
Jack W. Rodgers	Director of Research	$25,296	No change
Ron Bowmaster	Deputy Director (Research Analyst III)	11,640	$15,300
John Evans	Legal Counsel III	20,472	No change
Brian Kreger	Legal Counsel III	20,400	No change
David Landis	Research Analyst II	14,268	No change
Gordon Peterson	Research Analyst II	14,268	No change
Bill Nicholas	Research Analyst III	13,716	$15,300
Joette Pelster	Research Analyst II	12,500	No change
Dick Brown	Research Analyst II	12,600	$14,268
Kendra Jones	Research Analyst II	12,000	13,500
Bill Lock	Research Analyst II	10,412	13,500
Rich Lombardi	Research Analyst II	10,400	13,500
Gerry Jacobs	Research Analyst II	9,156	12,500

Fiscal Division

Bill Brunsen	Director	$25,296	No change
Dale Johnson	Deputy Director	19,200	No change
W. C. Mullan	Sr. Program Analyst	18,000	No change
Alan Moeller	Program Analyst	17,688	No change
Judy Corliss	Program Analyst	14,964	15,756*
Jim Hanlon	Budget Analyst	16,452	No change
Steve Morris	Budget Analyst	14,712	No change
Dan Taylor	Budget Analyst	14,500	15,300**
Roger Rutledge	Facilities Analyst	17,604	No change
Tom Bergquist	Budget Analyst Trainee	8,400	9,000**
Sandy Myers	Budget Analyst Trainee	8,400	9,000**

*Promotion from Budget Analyst to Program Analyst.
**Satisfactory completion of six months probationary employment.

RESOLUTION

LEGISLATIVE RESOLUTION 79. Read and considered.

Laid over.

UNANIMOUS CONSENT—Blood Pressure Check

Mr. Chambers asked unanimous consent that the Speaker be directed to have his blood pressure checked today-and if he refuses, a delegation of at least 4 stalwarts be appointed to carry him to the East Chamber for that purpose. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Mr. Reutzel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused at 10:00 a.m. No objections. So ordered.

EXPLANATION OF VOTE

I would have voted "yes" on LB 91e and LB 338 had I been present.

(Signed) Ralph D. Kelly, 35th District

UNANIMOUS CONSENT—Withdraw Motion on LB 236

Mr. Mills asked unanimous consent to withdraw his pending motion found in the Journal on page 1821 to reconsider action on LB 236. No objections. So ordered.

UNANIMOUS CONSENT—Member Excused

Mr. Mills asked unanimous consent to be excused at 10:45 a.m. until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 518. Mr. Newell offered the following amendment:

1. On page 4, strike line 27.
2. On page 5, strike lines 1 and 2 and insert "pro-
portion as the total amount of sales tax imposed pursuant
to section 77-2703 and income tax received by the state from
each county in 1976 is to the total amount of such sales
tax and such income tax received by the state from all
counties in 1976."

The amendment lost with 8 ayes, 17 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1826.

Mr. Goodrich offered the following amendment to his amendment:
Amend on Line 13 after the word "the" insert the word "First".

The amendment was adopted with 27 ayes, 4 nays, 16 present and not voting, and 2 excused and not voting.

SPEAKER LUEDTKE PRESIDING

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 17 ayes, 13 nays, and 19 not voting.

Mr. Goodrich withdrew his amendment, as amended.

Mr. Newell offered the following amendment:
Add "Business Equipment" to the First year of Exemption for Farm Equipment.

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 Newell amendment lost with 2 ayes, 20 nays, 25 present and not voting, and 2 excused and not voting.

Mr. Newell offered the following amendment:
Add "Automobiles" to the exemption list of exempted personal property in 1979.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Newell amendment lost with 13 ayes, 20 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Burrows offered the following amendment to LB 518:
Page 4 line 20 strike "seventy" and insert "one hundred".

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Kahle requested a record vote on the Burrows amendment.

Voting in the affirmative, 15:

Brennan	Burrows	Cullan	Dworak	Fitzgerald
Fowler	George	Kahle	Labedz	Lamb
R. Lewis	Moylan	Murphy	Newell	Savage

Voting in the negative, 22:

Barnett	Boughn	Carsten	Clark	Cope
DeCamp	Duis	Hasebroock	Kelly	Keyes
Koch	Luedtke	Maresh	Marsh	Nichol
Rasmussen	Rumery	Schmit	Simon	Stoney
Swigart	Venditte			

Present and not voting, 10:

Bereuter	Chambers	Goodrich	Hefner	Kremer
F. Lewis	Maxey	Merz	Reutzel	Warner

Excused and not voting, 2:

Marvel	Mills

The amendment lost with 15 ayes, 22 nays, 10 present and not voting, and 2 excused and not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

Advanced to E & R for Engrossment with 31 ayes, 9 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 257. E & R amendment found in the Journal on page 1797 for the Seventy-Sixth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. E & R amendments found in the Journal on page 1797 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 520. E & R amendments found in the Journal on page 1812 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 520A. E & R amendments found in the Journal on page 1813 for the Seventy-Sixth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 182. E & R amendment found in the Journal on page 1813 for the Seventy-Sixth Day was adopted.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT–Withdraw Motion on LB 182

Mr. F. Lewis asked unanimous consent to withdraw his pending motion found in the Journal on page 1821 to return LB 182 to Select File. No objections. So ordered.

MOTION–Return LB 182 to Select File

Mr. DeCamp moved to return LB 182 to Select File for the following specific amendment:

1. In the committee amendments insert a new section 7 as follows:

"Sec. 7. In selecting a location for solid waste disposal site, in order to afford maximum protection for any public or domestic water supply or well, any public water supply water intake from a body of static water or a river intake, an evaluation shall be made of the generalized geologic and hydrologic conditions at the proposed site. Such evaluation shall be presented to the Department of Environmental Control for its review and approval before site construction commences. The following conditions must be demonstrated:

(1) The site shall be located in an area known to contain geologic structures capable of containing solid waste.

(2) The site shall have sufficient porosity, permeability, thickness, structural configurations and areal extent for safe storage.

(3) The site shall be isolated vertically by formations that are, for practical purposes, impervious to any effluent from the solid waste.

(4) The rate of direction of ground water movement in the solid waste disposal area should be evaluated and sealants used where necessary to protect the integrity of the groundwater as well as public or domestic water supply.

(5) If the site is known to contain ground water subject to protection in other areas, the direction and distances from the site to the brackish water or saline

2 water interface shall be estimated within reasonable
3 limit."
4 2. Renumber sections 7 to 20 of the committee amendments
5 as sections 8 to 21 respectively.

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 82.

Introduced by Luedtke, 28th District; Barnett, 26th District; Maxey, 46th District; Rasmussen, 41st District; Marsh, 29th District; Fowler, 27th District; Schmit, 23rd District; Warner, 25th District.

WHEREAS, the United States Department of Agriculture, after a year long study, decided in August 1975 that Lincoln was the best site for a new regional Meat and Poultry Laboratory; and

WHEREAS, the federal government has completed long involved processes of bidder selections and environmental impact statement drafts so that a contract for construction was to have been awarded this month; and

WHEREAS, Missouri officeholders are now conspiring with the United States Department of Agriculture officials to move the laboratory to St. Louis; and

WHEREAS, at least hundreds of thousands of dollars have been invested by the United States Department of Agriculture, the United States Federal Services Administration, and those who submitted bids on the Lincoln site; and

WHEREAS, Lincoln is the superior location because of its proximity to the United States Meat Animal Research Center, the new Animal Diagnostic and Research Center, and other facilities of the University of Nebraska, Lincoln, and to major commercial veterinary medicine formulators headquartered in Lincoln; and

WHEREAS, the project would bring one and one half million dollars in construction and more than a half million dollars annual payroll to Lincoln; and

WHEREAS, the purpose of the lab was to bring consumers greater protection against the possibility of buying tainted meat or poultry; and

WHEREAS, a move to St. Louis would result in at least a years delay in providing consumers with this protection.

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

1. That the Nebraska Legislature does hereby petition to United States Secretary of Agriculture to restore the lab to Lincoln and does urge the Governor of Nebraska to do all in his power to keep this facility in Lincoln.

Laid over.

MOTION–Consider LB 204 and LB 204A

Mr. Merz moved to change the Speaker's order, and take up LB 204-204A on 5-6-77 immediately after Final Reading.

Mr. Barnett 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 Merz motion prevailed with 26 ayes, 9 nays, 12 present and not voting, and 2 excused and not voting.

UNANIMOUS CONSENT–Bracket LB 220 and LB 220A

Mr. Schmit asked unanimous consent to bracket LB 220 and LB 220A on E & R Final. No objections. So ordered.

VISITORS

The President introduced 45 fourth grade students, teacher, and sponsors from Golden Hill, Papillion, Nebraska; 21 third and fourth grade students, teacher, and sponsors from Hampton, Nebraska; 30 eighth grade students, teacher, and sponsors from Silver Creek, Nebraska; 35 sixth grade students and teachers from Tecumseh, Nebraska; 17 kindergarten through fourth grade students, teacher, and parents from District 118, Valparaiso, Nebraska; 12 fourth, fifth, and sixth grade students, teacher, and parents from Hanover District 75, Adams County; 19 sixth, seventh, and eighth grade students, teacher, and parents from Willis Elementary, Jackson, Nebraska; 20 seventh and eighth grade students, teachers, and sponsors from Farwell Public School; 7 3-D Extension Club members from Diller, Nebraska; Mr. Donald V. Doyle, State Representative, from Des Moines, Iowa; 42 fourth grade students, teachers, and parents from Fairbury Central; 22 seventh and eighth grade students, teacher, and sponsors from Milligan, Nebraska; 12 Spirit of '76 Extension Club members from Gresham, Nebraska; 7 seniors and sponsors from Explorer Scouts, Ord, Nebraska; and 40 eighth grade students and sponsor from O'Neill, Nebraska.

RECESS

At 12:00 noon, on a motion by Mr. Savage, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m, Mr. Barnett presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Maxey who was excused; Mrs. Labedz and Messrs. Burrows, F. Lewis and Marvel who were excused until they arrive; Mr. George who was absent until 2:00 p.m.; Mr. Newell who was absent until 2:10 p.m. and Mr. Luedtke who was absent until 2:45 p.m.

UNANIMOUS CONSENT—Withdraw Motion on LB 182

Mr. DeCamp asked unanimous consent to withdraw his pending motion found in this day's Journal to return LB 182 to Select File. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 131. E & R amendments found in the Journal on page 1718 for the Seventy-Third Day were adopted.

Mr. Koch withdrew his pending amendment found in the Journal on page 1728.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 1729.

Mr. Schmit asked unanimous consent to be excused for a short time. No objections. So ordered.

The R. Lewis amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, 3 absent and not voting, and 6 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch offered the following amendment:

1. In the DeCamp amendments, page 1673 of the Journal, second line 9, after the period insert the following: "If the notice for the public hearing required for the adoption of the budget includes a statement that the proposed budget funded from ad valorum taxes is higher than is permitted by section 7 of this act, then the public meeting provided by this section shall not be required.".

The Koch amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Mr. DeCamp offered the following amendment:

1. In the DeCamp amendments found in the Journal on page 1673 after the second line 9, insert a new subsection (2) as follows:

"(2) The governing body of any political subdivision shall adjust its budget in accordance with the information presented to and the input received from the public at the meeting required by subsection (1) of this section. In making such adjustments, the governing body may exceed the limits prescribed by section 7 of this act."; and in the second line 10, strike "(2)" and insert "(3)".

The amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, 2 absent and not voting, and 6 excused and not voting.

Mr. Fowler renewed his pending amendment found in the Journal on page 1825.

The amendment lost with 10 ayes, 16 nays, 17 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. F. Lewis withdrew his pending amendment found in the Journal on page 1728.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 542. Laid over at the request of Mr. Duis.

UNANIMOUS CONSENT–Member Excused

Mr. Reutzel asked unanimous consent to be excused at 3:00 p.m. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 142. Title read. Considered.

Standing Committee amendments found in the Journal on page 974 for the Forty-Eighth Day were considered.

Mr. Bereuter renewed his pending amendment found in the Journal on page 1589 to the Standing Committee amendment.

SPEAKER LUEDTKE PRESIDING

Mr. Goodrich offered the following amendment to the Bereuter amendment:

Amend the Bereuter amendments as follows:
1. On page 1589 of the Journal, line 6 strike "eight" and insert "four"; line 7 after "sold" insert "or leased"; and strike beginning with "the" in line 11 through "defective" in line 16 and insert "six years after the date of the alleged acts or omissions constituting the alleged negligence".
2. Strike sections 3 and 7.
3. On page 1591 of the Journal, line 18 strike "best".
4. Renumber sections 4 to 6 as sections 3 to 5.

The Goodrich amendment lost with 11 ayes, 21 nays, 12 present and not voting, and 5 excused and not voting.

The Bereuter amendment pending.

ANNOUNCEMENT

Mr. Warner announced the Nebraska Postsecondary Education Advisory Committee will meet May 6, 1977 in Room 1019 of the State Capitol at 8:00 a.m.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 257 and 257A.

Correctly Enrolled

The following bills were correctly enrolled: 91, 338, 349, and 510.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 91, 338, 349, and 510.

GENERAL FILE

LEGISLATIVE BILL 142. Considered.

The Bereuter pending amendments found in the Journal on page 1589 to the Standing Committee amendments were renewed.

Mr. Maresh 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 Bereuter amendments to the Standing Committee amendments were adopted with 26 ayes, 9 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Maresh asked unanimous consent to be excused for a short time. No objections. So ordered.

Standing Committee amendments, as amended, were adopted with 25 ayes, 8 nays, 10 present and not voting, and 6 excused and not voting.

Mr. Cullan moved to bracket LB 142 until January 20, 1978.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 13 nays, and 11 not voting.

Mr. Simon requested a record vote on the Cullan motion to bracket.

Voting in the affirmative, 14:

Brennan	Burrows	Chambers	Cullan	DeCamp
Dworak	Fitzgerald	Fowler	F. Lewis	R. Lewis
Luedtke	Mills	Moylan	Simon	

Voting in the negative, 26:

Bereuter	Boughn	Carsten	Clark	Cope
Duis	George	Goodrich	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
Lamb	Maresh	Marvel	Murphy	Nichol
Rumery	Savage	Stoney	Swigart	Venditte
Warner				

Present and not voting, 4:

Barnett	Hasebroock	Merz	Newell

Excused and not voting, 5:

Marsh Maxey Rasmussen Reutzel Schmit

The motion to bracket lost with 14 ayes, 26 nays, 4 present and not voting, and 5 excused and not voting.

UNANIMOUS CONSENT—Members Excused

Mr. Clark and Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendments to LB 142

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 142 in the Journal. No objections. So ordered.

AMENDMENT TO LB 142

Add new section and renumber.
Each item covered by the provisions of this act shall have affixed a sign stating "Buyer Beware - purchase at your own risk."

Mr. Cullan asked unanimous consent to print the following amendments to LB 142 in the Journal. No objections. So ordered.

AMENDMENT TO LB 142 (1)

1. Strike original section 2 and all amendments thereto and insert the following:
"Sec. 2. No manufacturer or seller of a product shall be liable for damages based upon the theory of strict liability in tort unless the product reached the user without substantial change in the condition in which it left the manufacturer or seller.".

AMENDMENT TO LB 142 (2)

1. Strike original section 4 and all amendments thereto and insert the following:
"Sec. 4. A manufacturer or seller shall not be liable for damages based upon the theory of strict liability in tort unless a product is sold in a defective condition, unreasonably dangerous to the user or consumer or to his property. A product is unreasonably dangerous only if it is dangerous to an extent beyond that which would be contemplated by an ordinary user, with ordinary knowledge as to its inherent characteristics.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 5, 1977, at 4:00 p.m., were the following bills: 91, 338, 349, and 510.

(Signed) Janet Loder, Enrolling Clerk

UNANIMOUS CONSENT–Print Amendments to LB 217

Mr. Mills moved to amend the corrected Standing Committee amendments on LB 217 on page 1120 of the Journal by striking Lines 9, 10, and 11 of Section 3.

Motion pending.

MOTION–Reconsider Action

Mr. Mills moved to reconsider action on placing LB 204 and LB 204A on Speaker's Special Order for 5-6-77.

Mr. F. Lewis 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. Mills moved for a Call of the House. The motion prevailed with 20 ayes, 17 nays, and 12 not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 20 ayes, 17 nays, and 12 not voting.

Mr. Mills requested a roll call vote.

Voting in the affirmative, 20:

Bereuter	Carsten	Cope	Duis	Dworak
Goodrich	Hasebroock	Kelly	Keyes	Koch
Kremer	Lamb	R. Lewis	Mills	Moylan
Murphy	Rumery	Savage	Stoney	Warner

Voting in the negative, 19:

Boughn	Brennan	Burrows	Chambers	Cullan
Fitzgerald	Fowler	George	Hefner	Kahle
F. Lewis	Luedtke	Marsh	Merz	Newell
Nichol	Simon	Swigart	Venditte	

Excused and not voting, 10:

Barnett	Clark	DeCamp	Labedz	Maresh
Marvel	Maxey	Rasmussen	Reutzel	Schmit

The Mills motion to reconsider action lost with 20 ayes, 19 nays, and 10 excused and not voting.

VISITORS

The President introduced 18 fifth grade students, teacher and sponsors from Doniphan, Nebraska; 19 sixth graders, teacher and sponsor from Essex, Iowa; 15 fourth graders, teacher and sponsor from Adams Public School; 42 eighth grade students, and 5 teachers from O'Neill, Nebraska; 24 fourth grade students, teacher and sponsors from Highland Park Elementary School, Columbus, Nebraska; and 3 Eastern Star ladies from Cairo, Nebraska.

ADJOURNMENT

At 4:38 p.m., on a motion by Mr. Savage, the Legislature recessed until 9:00 a.m., Friday, May 6, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-EIGHTH DAY—MAY 6, 1977

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 6, 1977

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal Father of our souls, grant to the members and officers of this Legislature a sacred moment of quiet before we take up the duties of the day. Turn our thoughts to Thee, and open our hearts to Thy spirit that we have have wisdom in our decisions, understanding in our thinking, love in our attitudes, and mercy in our judgment. Let us not think, when this prayer is said, that our dependence upon Thee is over, and forget Thy counsels for the rest of the day. Rather from these moments of hard searching may there come such a sweetness of disposition that all may know that thou art in this place. From this holy interlude may there flow light and joy and power that will remain with us until night shall bring thy whispered benediction, "Well done good and faithful servant." So help us all this day, through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Maxey who was excused; Messrs. Kremer, Venditte and Warner who were excused until they arrive; Messrs. DeCamp, Keyes, Murphy, and Newell who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1870, line 16, delete "recessed" and insert "adjourned".
The Journal for the Seventy-Eighth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Messrs. Chambers and Burrows excused at 11:30 a.m. for the remainder of the day. No objections. So ordered.

Messrs. Duis, F. Lewis and Nichol asked to be excused this afternoon. No objections. So ordered.

Messrs. Boughn, DeCamp, and Hefner asked unanimous consent to be excused at 10:30 a.m. until they return and at 1:30 p.m. until they return. No objections. So ordered.

Mr. Swigart asked unanimous consent to be excused at 11:00 a.m. for the remainder of the day. 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 5, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Krane, Robert E. – Omaha, United States National Bank of Omaha

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 131. Replaced on Select File as amended.
E & R amendment to LB 131:
1. In line 3 of E & R 1, strike the comma.

(Signed) Samuel K. Cullan, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 232.

A BILL FOR AN ACT relating to energy; to establish the State Energy Office; to prescribe duties and responsibilities; and to require annual reports.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Dworak	Fitzgerald	Fowler	George	Hasebroock
Hefner	Kahle	Kelly	Koch	Labedz
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Merz	Mills	Moylan
Rasmussen	Reutzel	Rumery	Savage	Simon
Stoney				

Voting in the negative, 0.

Present and not voting, 5:

Duis	Goodrich	Nichol	Schmit	Swigart

Absent and not voting, 3:

DeCamp	Murphy	Newell

Excused and not voting, 5:

Keyes	Kremer	Maxey	Venditte	Warner

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

MOTION–Reconsider Action

Mr. Stoney moved to reconsider action on LB 204 and LB 204A of May 5, 1977.

Mr. Stoney asked unanimous consent to consider the motion.

Mr. Chambers objected.

GENERAL FILE

LEGISLATIVE BILL 204. Title read. Considered.

Mr. Barnett moved to reject the Standing Committee amendments found in the Journal on page 617 for the Thirty-First Day.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 11 nays, and 18 not voting.

Mr. Barnett withdrew his motion to reject the Standing Committee amendments.

Mr. Merz moved the adoption of the Standing Committee amendments.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1709 to the Standing Committee amendment.

Mr. Goodrich offered the following amendment to his amendment:
Amend the Goodrich amendment found on page 1709 by deleting word "currently" in li 2 Sec 5 (para 1) and (para 3) Sec 7 line 4.

The Chair ruled the amendment out of order.

Mr. Goodrich withdrew his amendment on page 1709.

Mr. Bereuter 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 Standing Committee amendments lost with 2 ayes, 28 nays, 13 present and not voting, 1 absent and not voting, and 5 excused and not voting.

Mr. Barnett withdrew his amendments found in the Journal on pages 1177, 1178 and 1179.

Mr. Barnett renewed his pending amendment (Req. No. 2601) referred to in the Journal on page 1434.

Mr. Mills offered the following amendment (Req. No. 2612) printed separately from the Journal to the Barnett amendment.

Mr. Barnett withdrew his amendment (Req. No. 2601).

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion lost with 8 ayes, 17 nays, and 24 not voting.

Messrs. Barnett and Merz moved to extend the time set by the Speaker on consideration of LB 204. The motion prevailed with 30 ayes, 6 nays, and 13 not voting.

Mr. Barnett 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 amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Mr. R. Lewis renewed his amendment found in the Journal on page 1789.

Mr. F. Lewis offered the following amendment to the R. Lewis amendment:
Add new section
Each private provider of service shall submit a detail audit, for money received, to the governing board.

Mr. Barnett moved for a Call of the House. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Mills moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The F. Lewis amendment was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Mr. Luedtke moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

The R. Lewis amendment was adopted with 30 ayes, 1 nay, 15 present and not voting, and 3 excused and not voting.

Mr. F. Lewis moved to indefinitely postpone.

Mr. F. Lewis withdrew his motion.

COMMUNICATIONS

Department of Justice
May 5, 1977

Dear Senator Luedtke:

We wish to advise you that representatives of the Nebraska Association of Public Employees and respresentatives of the Nebraska Game and Parks Commission have met and now agree to a contract in substance and form which is to be submitted to your honorable body for approval as required by section 48-837, R.R.S. 1943. The proposed contract has been approved by the Nebraska Game and Parks Commission at its meeting on April 29, 1977.

We believe that it would be appropriate for representatives of both sides to appear before such members of the Legislature as you deem appropriate for the purpose of answering any questions which might exist with regard to the agreement. We would appreciate your advising us as to the time and place for such meeting.

We enclose, for your initial examination, two copies of the agreement and we will be glad to provide you with such additional copies as you require.

We particularly call your attention to the fact that with regard to the matter of salary, the parties have agreed to abide by the budget eventually passed by the Legislature and approved by the Governor. For that reason this contract may be considered by the Legislature prior to the adoption of the budget.

Very truly yours,

(Signed) Paul L. Douglas
Attorney General

PLD:pjs
Enclosure

May 6, 1977

Senator Richard Maresh
Chairman of the Business and
Labor Committee
State Capitol
Lincoln, NE 68505

Dear Senator Maresh:

Senator Luedtke, Speaker of the Nebraska Legislature has directed that I forward for the consideration of your committee the enclosed Contracts between the Game and Parks Commission and the Nebraska Association of Public Employees.

Senator Luedtke requests that these Contracts should be handled in the same manner as other Contracts in your committee.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

cn
Enclosures

Department of Revenue
May 6, 1977

Senator Roland Luedtke
Speaker of the Legislature
2022 State Capitol
Lincoln, Nebraska 68509

Dear Senator Luedtke:

Enclosed you will find the revised preliminary estimates of the general fund receipts for fiscal year 1977-78.

These estimates are based upon the most recent Chase Econometric Associates, Inc. Macroeconomic Standard Forecasts issued on April 27, 1977, and the Agricultural Model Forecasts issued on April 19, 1977.

Sincerely,

(Signed) William E. Peters
State Tax Commissioner

Enclosure (on file in the Clerk's office.)
cc: Chairman, Appropriations Committee
Chairman, Revenue Committee
Legislative Fiscal Analyst

UNANIMOUS CONSENT–Members Excused

Mr. Newell asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Warner asked unanimous consent to have the members of the Appropriations Committee excused until they return. No objections. So ordered.

Mr. Simon asked unanimous consent to be excused this afternoon. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 204. Considered.

Mr. Maresh offered the following amendment:

Amend LB 204 in line 15 in Sec. 15 strike 75 and insert 80 in line 19 strike 25 and insert 20 in line 22 strike 10 and insert 5.

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Maresh amendment lost with 5 ayes, 17 nays, 12 present and not voting, and 15 excused and not voting.

Mr. F. Lewis offered the following amendment:

No funds collected by the provisions of this act shall be expended until a statewide plan has been presented and accepted by the legislature.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?"

Mr. Barnett moved for a Call of the House. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

The motion to close debate prevailed with 26 ayes, 11 nays, and 12 not voting.

Mr. F. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Bereuter	Brennan	Carsten	Clark	Cope
DeCamp	Fitzgerald	George	Hasebroock	Kelly
Kremer	Labedz	Lamb	F. Lewis	Maresh
Marvel	Moylan	Murphy	Rasmussen	Rumery
Savage	Venditte	Warner		

Voting in the negative, 15:

Barnett	Boughn	Burrows	Cullan	Fowler
Kahle	Koch	Luedtke	Marsh	Merz
Mills	Nichol	Reutzel	Simon	Stoney

Present and not voting, 4:

Duis	Dworak	Goodrich	Hefner

Excused and not voting, 7:

Chambers	Keyes	R. Lewis	Maxey	Newell
Schmit	Swigart			

The F. Lewis amendment lost with 23 ayes, 15 nays, 4 present and not voting, and 7 excused and not voting.

Mr. Cullan moved the Call be raised. The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Advanced to E & R for Review with 26 ayes, 8 nays, 8 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 232.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 232.

GENERAL FILE

LEGISLATIVE BILL 204A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 6, 1977

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

Dear Mr. President and Senators:

I am returning LB 110 with my signature but with a specific line-item exception.

Section 4 of LB 110 reappropriates for the fiscal period 1977-78 forty thousand dollars to the University of Nebraska out of the current year's appropriation. Funds to carry out the bill's pesticide education activities,

however, are already included at the level of the University request both in my budget bill for 1977-78 and in LB 533, the Appropriations Committee's budget bill. It is, therefore, unnecessary to include any reappropriation language in LB 110.

Attached is a letter from the University which indicates that the reappropriation in LB 110 is not necessary.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah
Enclosure

University of Nebraska – Lincoln
May 4, 1977

Mr. Jon Oberg
Budget Analyst
Department of Administrative Services
Statehouse 1322
Lincoln, NE

Dear Jon:

Pursuant to our phone conversation yesterday on the funding for Pesticide Training in LB 110, I thought I would follow up in writing on our understanding of the issue.

The $50,000 allocation that the Institute of Agriculture and Natural Resources received last year in LB 332 was incorporated in the base budget request for 1977-78. This amount is in LB 533 as it stands now and thus the Institute, in line with the request for 1976-77, would not need any additional funds in LB 110.

If you have further questions, please contact me.

Cordially,

(Signed) Robert L. Lovitt
Comptroller

lmw
cc: Chuck Koopmann
Glenn Smith
Brent Stevenson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 6, 1977, at 11:30 a.m., was the following bill: 232.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Members Excused

Mr. Barnett asked unanimous consent to be excused until he arrives this afternoon. No objections. So ordered.

Mr. Marvel asked unanimous consent to be excused until 2:30 p.m. No objections. So ordered.

UNANIMOUS CONSENT–Print Amendments to LB 534

Mr. DeCamp asked unanimous consent to print the following amendments to LB 534 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 534

1. Strike original sections 1 and 2.

2. On page 3, line 10 after "any" insert "legal, nonconforming" and strike "sign" and insert "signs"; in line 11 strike "display, or device" and insert "displays, or devices" and after "by" insert "23 U.S.C. 131 (o)"; and after line 13, insert a new paragraph as follows:

"The State of Nebraska, Department of Roads is hereby authorized to seek the exemptions authorized by 23 U.S.C., Section 131 (o) in accordance with the Federal regulations promulgaged thereunder, 23 C.F.R., Part 750, Subpart E, provided however that the petitioning agency shall supply the necessary documents to justify such exemptions."; and strike lines 20 to 27.

3. On page 4, strike lines 1 to 4; in line 5 strike "shall" and insert "may" and after "adopt" insert "future".

4. Strike original section 6.

5. On page 8, strike beginning with "original" in line 11 through "also" in line 12; and in line 13 strike "are" and insert "is".

6. Renumber original sections 3, 4, 5, 7, and 8 as sections 1 to 5 respectively.

SELECT FILE

LEGISLATIVE BILL 522. E & R amendments found in the Journal on page 1828 for the Seventy-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 4. E & R amendments found in the Journal on page 1828 for the Seventy-Seventh Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 542. Mr. Duis asked unanimous consent to hold his motion to indefinitely postpone until Monday, May 9, 1977. No objections. So ordered.

VISITORS

The President introduced 14 sixth grade students, teacher, and sponsors from Juniata; Nebraska; 93 fourth grade students, teachers, and sponsors from Carriage Hill School, Papillion, Nebraska; 45 fourth grade students and teachers from Wake Robin, Bellevue, Nebraska; 9 first through fifth grade students and teacher from George Stone, Lincoln; 17 first through fourth grade students, teacher, and sponsors from District 11R, Rodgers, Nebraska; 25 eighth grade students, teacher, and sponsors from St. Rose, Crofton, Nebraska; 19 kindergarten, first, and second grade students, teachers, and sponsors from Morse Bluff Elementary School; 31 fourth grade students, teachers, and sponsors from Laurel Elementary School, Concord, Nebraska; 17 ninth through twelfth grade students and teachers from Brownell Talbot School, Omaha; 7 fifth through eighth grade students and teacher from District 55, Pierce, Nebraska; 35 kindergarten through eighth grade students, teachers, and sponsors from Immanuel Lutheran School, Polk, Nebraska; 16 fifth through eighth grade students, teacher, and sponsor from District 15, Hadar and Norfolk, Nebraska; 33 eighth grade students and teacher from Wakefield, Nebraska; 20 seniors, teacher, and sponsor from Homer, Nebraska; 31 kindergarten through tenth grade students and sponsors from Elyria, Nebraska; 11 juniors and teacher from Lincoln Christian High School; 42 eighth grade students, teachers, and sponsors from Holy Name, Omaha; 33 sixth, seventh, and eighth grade students and sponsors from Jackson, Nebraska; and Senator Cullan's sister Emelia, Instructor at St. Agnes Academy in Alliance and her niece, Miss Wieler from Germany.

RECESS

At 11:57 a.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Maxey and Messrs. Burrows, Chambers, Duis, F. Lewis, Newell, Nichol, Schmit, Simon and Swigart, who were excused; Messrs. Barnett, Keyes, Marvel, and members of the Appropriations Committee who were excused until they arrive.

MOTION – Adjournment

Mr. Stoney moved to adjourn. The motion prevailed with 10 ayes, 9 nays, and 30 not voting. At 1:42 p.m., the Legislature adjourned until 9:00 a.m., Monday, May 9, 1977.

Vincent D. Brown
Clerk of the Legislature

SEVENTY-NINTH DAY–MAY 9, 1977

LEGISLATIVE JOURNAL

SEVENTY-NINTH DAY—MAY 9, 1977

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 9, 1977

Pursuant to adjournment, the Legislature met at 9:04 a.m., Speaker Luedtke presiding.

PRAYER

The Prayer was offered by Dr. Robert B. Ohman, Westminster Presbyterian Church, Lincoln, Nebraska.

> Holy Father, teach us to number our days. Time is short, and no one of us knows how little time he has left. May we be found using wisely our time, our talents, and our strength. Save these representatives, chosen by the people, from the tyranny of the nonessential, from the tiring round of activities that saps strength, frays, nerves, shortens life, and adds nothing to their usefulness to You or to this state. Help them to give themselves to the important, and to recognize the trivial when they see it. Give them the courage to say "no" to everything that makes it more difficult to say "yes" to You. Through Jesus Christ our Lord, Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused; Messrs. Boughn, Koch, F. Lewis, Swigart, Venditte, Burrows, Brennan, and Mrs. Labedz who were excused until they arrive; Mr. Murphy who was absent until 9:30 a.m.; and Mr. Newell who was absent until 11:00 a.m. and Mr. George absent until 9:45 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Eighth Day was approved.

MESSAGE FROM THE GOVERNOR

May 5, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 209.

This bill was signed by me on May 5, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 518. Replaced on Select File as amended.
E & R amendments to LB 518:

1. Renumber section 9 found in the DeCamp amendments as section 10, section 9 found in the Schmit amendments as section 11, original section 9 as section 12, and sections 10 to 12 found in the Schmit amendments as sections 13 to 15.

2. In the DeCamp amendments, page 1, insert an underscored comma at the end of line 6, after "1977" in line 7, and after "1974" in line 12; and in line 18 insert "with" after "Commencing".

3. For correlation purposes, in the Maxey amendments, page 1, line 4, insert ", as amended by section 1, Legislative Bill 357, Eighty-fifth Legislature, First Session, 1977" after "1976"; on page 4, strike beginning with "The" in line 3 through "property" in line 6 and insert "Purchases"; in lines 8 and 9 strike "any school, public or private,"; in line 11 strike "licensed" and after "hospital" insert "or skilled nursing facility or intermediate care facility I licensed under section 71-2017 to 71-2029 and organized not for profit"; in line 17 after "hospital" insert "or skilled nursing facility or intermediate care facility I"; strike lines 23 and 24 and "improvement" in line 25; on page 5, strike beginning with "including" in line 5 through "improvement" in line 7; and in line 9 strike the semicolon and insert ". The appointment of purchasing agents shall not be recognized for the purpose of altering the status of construction contractors as ultimate consumers of tangible personal property incorporated into construction contracts;".

4. In the Schmit amendments, line 4, strike "10" and insert "13"; in line 15 strike "11" and insert "14"; and in line 6 strike "12" and insert "15".

5. Strike the Maxey amendment 2 and on page 5, line 4, strike "is" and insert "and section 77-2704, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 357, Eighty-fifth Legislature, First Session, 1977, are".

6. In the title, line 3, insert "section 77-2704, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 357, Eighty-fifth Legislature, First Session, 1977," before "relating"; in line 8 insert "to provide a sales tax exemption; to provide severability;" before the Schmit amendment; and in line 9 strike "section" and insert "sections".

LEGISLATIVE BILL 531. Replaced on Select File as amended.
E & R amendment to LB 531:

1. Because of the Barnett amendment, on page 4, line 3 as amended, strike "5,334,651" and insert "5,367,651"; and in line 5 as amended, strike "5,407,192" and insert "5,440,192".

LEGISLATIVE BILL 182. Replaced on Select File as amended.
E & R amendment to LB 182:

1. On page 7, lines 1 and 2, strike "of the Department".

Correctly Engrossed

The following bill was correctly engrossed: 522.

(Signed) Samuel K. Cullan, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 263.

A BILL FOR AN ACT to amend sections 8-1101, 8-1103, 8-1106, 8-1109, and 8-1111, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to change provisions of the Securities Act of Nebraska 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, 27:

Barnett	Bereuter	Burrows	Carsten	Clark
Cope	DeCamp	Duis	Fowler	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Lamb	Luedtke	Marsh	Merz	Rasmussen
Reutzel	Rumery	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 13:

Brennan	Chambers	Cullan	Dworak	Fitzgerald
Kremer	R. Lewis	Maresh	Marvel	Maxey
Mills	Moylan	Savage		

Present and not voting, 1:

Nichol

Absent and not voting, 3:

George	Murphy	Newell

Excused and not voting, 5:

Boughn	Kelly	Labedz	F. Lewis	Venditte

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

LEGISLATIVE BILL 263A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Burrows	Cope	DeCamp
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Lamb	Luedtke	Marsh
Merz	Reutzel	Rumery	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 17:

Brennan	Carsten	Chambers	Clark	Cullan
Duis	Dworak	Fitzgerald	Kremer	R. Lewis
Maresh	Marvel	Maxey	Mills	Moylan
Murphy	Rasmussen			

Present and not voting, 2:

Nichol	Savage

Absent and not voting, 2:

George	Newell

Excused and not voting, 4:

Boughn	Kelly	Labedz	F. Lewis

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass.

LEGISLATIVE BILL 139. With Emergency.

A BILL FOR AN ACT to amend sections 39-2402 and 66-605, Reissue Revised Statutes of Nebraska, 1943, and sections 66-410 and 66-428, Revised Statutes Supplement, 1976; to provide a basis for allocation of money; to increase certain tax rates; 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:

Bereuter	Brennan	Burrows	Carsten	Chambers
Cope	Cullan	DeCamp	Duis	Fitzgerald
George	Goodrich	Hasebroock	Hefner	Kahle
Koch	Kremer	Lamb	R. Lewis	Luedtke
Maresh	Marsh	Moylan	Murphy	Nichol
Rasmussen	Rumery	Savage	Schmit	Simon
Stoney	Venditte	Warner		

Voting in the negative, 11:

Barnett	Clark	Dworak	Fowler	Keyes
Marvel	Maxey	Merz	Mills	Reutzel
Swigart				

Absent and not voting, 1:

Newell

Excused and not voting, 4:

Boughn Kelly Labedz 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 162. With Emergency.

A BILL FOR AN ACT relating to labor; to amend sections 48-503 to 48-508, 48-510 to 48-513, 48-515, 48-516, 48-518 to 48-521, 48-523, 48-524, 48-1002, 48-1004, 48-1007, and 48-1008, Reissue Revised Statutes of Nebraska, 1943; to define terms; to change provisions for regulation of private employment agencies; to provide an unlawful employment practice; to increase powers of the Equal Opportunity Commission as prescribed; to change investigation procedures; to repeal the original sections, and also sections 48-501, 48-502, and 48-522, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Voting in the affirmative, 45:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn 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 290.

A BILL FOR AN ACT to amend section 1-114, Reissue Revised Statutes of Nebraska, 1943, and sections 1-124 and 1-136, Revised Statutes Supplement, 1976, relating to accountants; to change when an individual may receive a certificate as a certified public accountant; to provide when a permit may be issued; 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:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Labedz	Lamb	R. Lewis	Luedtke
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Fitzgerald

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn	Kelly	F. Lewis

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

LEGISLATIVE BILL 390.

A BILL FOR AN ACT to amend section 2-2311, Reissue Revised Statutes of Nebraska, 1943, relating to wheat development; to change the excise tax provisions as prescribed; to provide for reports; 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	Brennan	Burrows	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Mills	Moylan
Murphy	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 3:

Bereuter	Dworak	Marvel

Present and not voting, 1:

Warner

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn	Kelly	F. Lewis

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

LEGISLATIVE BILL 390A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Brennan	Burrows	Carsten	Chambers
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	Fowler	George	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer
Labedz	Lamb	R. Lewis	Luedtke	Maresh
Marsh	Maxey	Merz	Mills	Moylan
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Swigart	Venditte	

Voting in the negative, 5:

Bereuter	Dworak	Marvel	Stoney	Warner

Present and not voting, 1:

Murphy

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn	Kelly	F. Lewis

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

LEGISLATIVE BILL 427. With Emergency.

A BILL FOR AN ACT to amend section 39-6,150, Reissue Revised Statutes of Nebraska, 1943, and sections 39-6,177 and 39-6,185, Revised Statutes Supplement, 1976, relating to rules of the road; to provide additional vehicles that may display flashing or rotating amber lights; to provide for a change of configuration of vehicles without penalty; to provide an additional width 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, 45:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn	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 450. With Emergency.

A BILL FOR AN ACT to adopt the Nebraska Water Conservation Act of 1977; 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, 39:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dworak
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
Lamb	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Venditte	Warner	

Voting in the negative, 6:

Cullan	Duis	Fitzgerald	R. Lewis	Rasmussen
Stoney				

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn	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 450A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, Eighty-fifth Legislature, First Session, 1977; 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	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Dworak
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
Lamb	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte	Warner		

Voting in the negative, 7:

Cullan	Duis	Fitzgerald	R. Lewis	Marvel
Rasmussen	Stoney			

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn 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 483. With Emergency.

A BILL FOR AN ACT to amend sections 16-669 and 16-670, Reissue Revised Statutes of Nebraska, 1943, relating to water and sewer districts in cities of the first class; to change provisions relating to sewer or water main improvements as prescribed; to provide for the use of special assessments; to repeal the original sections, and also section 16-668, Revised Statutes Supplement, 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, 45:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn 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 504. 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, 45:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn 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 521. With Emergency.

A BILL FOR AN ACT to amend section 1, Legislative Bill 743, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase appropriations; 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	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Murphy

Absent and not voting, 1:

Newell

Excused and not voting, 3:

Boughn 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.

UNANIMOUS CONSENT–Member Excused

Mr. Swigart asked unanimous consent to be excused this afternoon. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 83.

Introduced by R. Lewis, 38th District; Schmit, 23rd District; Rasmussen, 41st District; Kremer, 34th District; DeCamp, 40th District.

WHEREAS, a number of public entities in Nebraska possess the power of eminent domain, the power to take private property for public purposes; and

WHEREAS, those against whom condemnation proceedings are instituted should be treated with fairness and equity; and

WHEREAS, to insure this basic standard of fairness and equity the entity instituting condemnation proceedings should be required, when filing, to set forth with particularity the extent and purposes of the public use for which title or easement is sought; and

WHEREAS, the condemnor should be denied excess taking, that is, should take no greater title or easement than is absolutely necessary for the accomplishment of the public purpose sought; and

WHEREAS, when excess property has been taken in eminent domain proceedings beyond the public purpose needs, and such excess is to be disposed of to other than another public entity, the original owner should have the first right of purchase; and

WHEREAS, whenever facilities and structures are built on lands taken in eminent domain proceedings the condemnee should have the right to use such facilities or structures if such use would not endanger the public purpose for which the proceedings were instituted.

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

1. That a special committee composed of Senators Dennis Rasmussen, Loran Schmit, Maurice Kremer, John DeCamp, and Richard Lewis, chairmen of the following standing committees; (a) Government, Military and Veterans Affairs, (b) Agriculture and Environment, (c) Public Works, (d) Banking, Commerce, and Insurance, and (e) Public Health and Welfare, conduct an interim study of the eminent domain statutes and procedures in Nebraska.

2. That such special committee consider the specific issues set forth in this Resolution as well as any other issues relevant to the power of eminent domain.

3. That the special committee report its findings, together with any recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 84.

Introduced by Savage, 10th District.

WHEREAS, Congress has passed the Metric Conversion Act of 1976 (P.L. 94-168), which declares a national policy for coordinating the increasing use of the metric system in the United States and establishes a United States Metric Board to coordinate the voluntary conversion to the metric system; and

WHEREAS, the confirmation of the United States Metric Board nominees by the Senate will take place upon submission by President Carter; and

WHEREAS, a vast majority of the world's population and much of the world's production and trade currently employ the metric system; and

WHEREAS, Canada, in particular, is now completing a very successful

four-phase metric conversion plan with metrication to occur by 1980; and

WHEREAS, the education agencies of all fifty states have made some commitment, formal or informal, to commence with the implementation of the modern metric system of measure.

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

1. That the Legislature begin the orderly transition from the customary units of measurement to the modern metric system of measurement through the establishment of a state metric plan.

2. That the Legislature in conjunction with state government consider the advantages of establishing a State Metric Board consisting of representatives of agriculture, business, education, government, industry, and labor, to coordinate the implementation of the metric system of measurement and to evaluate the progress of metrication and recommend changes necessitated by national plans for metrication.

3. That the Legislature (a) call upon the various agencies of state government capable of assisting the Legislature in its work, (b) encourage executive action to effectuate the formulation of a state metric system, and (c) if necessary secure passage of necessary legislation.

4. That copies of this resolution be forwarded to the Governor, Executive and Judicial branches of Government, Administrative Department, and Constitutional agencies of the State of Nebraska.

Laid over.

MOTION–Reconsider Action on LB 263

Mr. Murphy moved to reconsider action on final passage of LB 263.

Motion pending. Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 87
April 28, 1977

Dear Senator Brennan:

You requested an opinion concerning the constitutionality of Section 325 of L.B. 38 now pending in the Nebraska Legislature. Section 325 is a recodification of Sections 28-814.01 and 28-814.02, R.R.S. 1943, and virtually identical to said sections. It defines "mass picketing" as:

> " . . . picketing in which there are more than two pickets at any one time within either fifty feet of any entrance to the premises being picketed or within fifty feet of any other picket or

pickets, or in which pickets constitute an obstacle to the free ingress and egress to and from the premises being picketed or any other premises, or upon the public roads, streets, or highways, either by obstructing by their persons or by the placing of vehicles or other physical obstructions."

It makes mass picketing a crime punishable as a Class II misdemeanor and requires pickets acting lawfully to display on their persons a sign with at least two and one-half inch upper case letters showing the name of the organization represented.

L.B. 415, 1949 Legislature, which included the present law, was analyzed in detail by this office in an opinion dated February 18, 1950. A copy of that opinion is enclosed for your reference. We have reviewed the matter again and believe the opinions expressed are still generally correct as to mass picketing. We have some concerns, however, about the "numbers and distance" formula for determining the existence of mass picketing and will further discuss that matter.

As indicated in our 1950 opinion, the dissemination of information concerning the facts of a labor dispute, by means of peaceful picketing, is within the area of free expression that is guaranteed by the First Amendment to the United States Constitution. That right is not absolute, however, since picketing has been held to be more than speech. Governmental restriction on the expression involved in picketing can be justified where required in order to advance some overriding state law or policy or where the picketing poses a clear and present danger of violence in the community. Local Plumbers Union No. 10 v. Graham, 345 U.S. 192 (1953); Youngdahl v. Rainfair, 355 U.S. 131 (1957).

Our concern is whether the "numbers and distance" formula is a reasonable one which can be justified under the above test. We believe it can be fairly argued that some restriction on numbers can be legislated and that the formula in Section 325 is reasonably related to advancing the state's policies and laws of free access to the picketed premises, prevention of intimidations and threats of violence, and freedom of access to public ways. However, this determination would be one of judgment, and might as well be decided conversely.

We find support for the validity of the formula in a series of cases decided by the Texas Court of Civil Appeals. Geissler v. Coussoulis (Tex. Civ. App.) 424 S.W.2d 709 (1967); Farah Manufacturing Co., Inc. v. Amalgamated Clothing Workers of America (Tex. Civ. App.) 483 S.W.2d 271 (1972). Dallas General Drivers v. Central Beverage, Inc. (Tex. Civ. App.) 507 S.W.2d 596 (1974). All three cases involve state court injunctions against mass picketing and other illegal picketing, which injunctions were based, at least in part, on a statute virtually identical to the mass picketing portion of Section 325. Section 1 of Article 5154d, Vernon's Annotated Texas Civil Statutes, provides in part:

"Section 1. It shall be unlawful for any person, singly or in concert with others, to engage in picketing or any form of picketing activity that shall constitute mass picketing as herein defined.

" 'Mass picketing,' as that term is used herein, shall mean any form of picketing in which:

"1. There are more than two (2) pickets at any time within either fifty (50) feet of any entrance to the premises being picketed, or within fifty (50) feet of any other picket or pickets."

The Geissler and Farah cases both sustained the injunctions, noting the plaintiff did not seek to enjoin all picketing, only to prevent violence, property damage, threats of violence, mass picketing and other illegal activities. The mass picketing statute provided reasonable means to publicize the facts of the labor disputes. They found no unconstitutional restriction on freedom of expression.

The Dallas Drivers case reversed the judgment of the district court and dissolved the temporary injunction since the injunction was based on nonviolent coercion of nonstricking (sic) employees, arguably prohibited by Section 8(b)(1) of the National Labor Relations Act and preempted by the federal act.

A similar result was reached by the California Court of Appeals for the First District in California Retail Liquor Dealers Association v. United Farm Workers, 57 Cal.App.3d 606, 129 Cal.Rptr. 407 (1976). There the court held that a "numbers and distance" restriction in a state statute did not violate the labor organization's right of free speech.

On the other hand, two federal cases have taken a contrary view. Davis v. Francois, 395 F.2d 730 (5th Cir. 1969); Medrano v. Allee, 347 F.Supp. 605 (D.C.S.D. Tex. 1972). The Davis case involved a picketing ordinance in Port Allen, Louisiana which limited the number of pickets to two without regard to time, place or circumstances.

The Medrano case specifically held the Texas statute previously cited was unconstitutional but that portion of Medrano was vacated by the United States Supreme Court and remanded for further proceedings.

In conclusion we are of the opinion that Section 325 of L.B. 38 can be successfully defended as constitutional with the possible exception of the "numbers and distance" formula. That portion could probably be sustained but is questionable in that it may be overbroad and violative of First Amendment free speech rights.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) John R. Thompson
Assistant Attorney General

JRT:saa
enc.
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION—Change of Speaker's Order

Mr. Bereuter moved that the Speaker's agenda be altered so that the entire remaining portion of the legislative day is devoted exclusively to debate of those bills on general file. The order of debate on bills shall first consider the list of committee priority bills before proceeding to the list of priority bills of individual members.

Mr. Chambers moved to amend the Bereuter motion as follows:
Take individual priority bills

Mrs. Marsh 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 to the Bereuter motion prevailed with 16 ayes, 15 nays, and 18 not voting.

Mr. Kremer moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 10 nays, and 19 not voting.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 18 not voting.

The Bereuter motion, as amended, prevailed with 27 ayes, 8 nays, and 14 not voting.

MOTION—Suspend Rules

Mr. Bereuter moved to suspend the rules for debate on General File be suspended for this legislative day to permit the following procedure:

Only the committee amendments and the introducer's amendments may be considered. The introducer alone is provided an opportunity to respond to the committee amendments in debate for a period not to exceed ten minutes and the committee chairperson may close debate. The introducer shall then be afforded ten minutes for explaining each amendment offered by the introducer, but such amendments are not debatable or amendable. After voting on all amendments of the introducer

a period not to exceed thirty minutes shall be provided for debate on the bill, after which time the introducer shall close. No motions to postpone to a time certain or bracket, indefinitely postpone, or recommit to a committee shall be in order. Introducers may ask to pass over their bill if they do not wish to use these procedures.

Mr. Lamb 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. Dworak moved to amend the Bereuter amendment as follows:

Include that any 3 senators can eliminate on this preference bill under these rules.

The Chair ruled the amendment out of order since the debate had closed before the amendment was on the desk.

Mr. Dworak requested a record vote on the Bereuter motion to suspend the rules.

Voting in the affirmative, 17:

Bereuter	Burrows	Cope	Fitzgerald	George
Goodrich	Hasebroock	Kremer	Luedtke	Marsh
Maxey	Nichol	Rasmussen	Reutzel	Rumery
Stoney	Swigart			

Voting in the negative, 25:

Barnett	Brennan	Carsten	Chambers	Clark
Cullan	DeCamp	Duis	Dworak	Fowler
Hefner	Kahle	Keyes	Koch	Labedz
Lamb	R. Lewis	Maresh	Marvel	Merz
Mills	Moylan	Newell	Simon	Warner

Present and not voting, 4:

Murphy	Savage	Schmit	Venditte

Excused and not voting, 3:

Boughn	Kelly	F. Lewis

The motion lost with 17 ayes, 25 nays, 4 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 85.

Introduced by Keyes, 3rd District.

WHEREAS, property taxation is of great concern to most Nebraskans; and

WHEREAS, to represent the needs and desires of Nebraska's citizens we must continue to pursue property tax relief.

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

1. That the Revenue Committee address the overall property tax burden of Nebraskans.

2. That they develop a "source and use statement" for the money provided by the state in the name of property tax relief.

3. That they determine whether the financing of property tax relief has put an undue burden on any segment of society.

4. That they explore alternative means of distributing property tax relief funds.

5. That the Revenue Committee report its findings and proposed legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 86.

Introduced by Keyes, 3rd District.

WHEREAS, the present method of determining real estate and personal property values are a concern to many Nebraskans; and

WHEREAS, there have been numerous statutory tax exemptions provided to relieve the property tax burden.

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

1. That the Revenue Committee review the methods of valuing real and personal property for tax purposes, as it relates to both intra and inter county taxation.

2. That they review all statutory tax exemptions.

3. That the Revenue Committee report its findings along with recommended legislation to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION – Priority Bills

Mr. Chambers moved that the priority list be established by a lottery system.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The Chambers motion lost with 14 ayes, 20 nays, 12 present and not voting, and 3 excused and not voting.

MOTION – Priority Bills

Mr. Chambers moved that the bills be placed on priority list according to the date bill was reported to the floor.

Mr. Stoney moved to amend the Chambers amendment to exclude those bills previously bracketed for a date certain.

Mrs. Marsh 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 Stoney amendment prevailed with 19 ayes, 3 nays, 24 present and not voting, and 3 excused and not voting.

The Chambers motion, as amended, prevailed with 28 ayes, 2 nays, 16 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 139, 162, 290, 390, 390A, 427, 450, 450A, 483, 504, and 521.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 139, 162, 290, 390, 390A, 427, 450, 450A, 483, 504, and 521.

REFERENCE COMMITTEE REPORT

LB	Committee
546	General File

(Signed) Richard Marvel, Chairman; Jack Mills; Larry Stoney; Douglas Bereuter; R. Lewis; Steve Fowler; John Savage; William Nichol; Roland Luedtke.

BILL ON FIRST READING

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

LEGISLATIVE BILL 198A. By Maxey, 46th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 198, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 4:30 p.m. or at the end of today's session in room 2102.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 383. Indefinitely postponed.

(Signed) Jerome Warner, Chairman

UNANIMOUS CONSENT—Unbracket LB 46

Mr. Murphy asked unanimous consent to unbracket LB 46 on General File. No objections. So ordered.

VISITORS

The President introduced former Senator Lester Harsh from McCook; 40 sixth grade students and sponsors from Cardinal Spellman School, Omaha; and 21 third and fourth grade students and sponsor from Dillar, Nebraska.

RECESS

At 11:59 a.m., on a motion by Mr. Savage, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Swigart who was excused; and Messrs. Boughn, Kelly, R. Lewis, and Marvel who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 4, 33, 33A, 520, and 520A.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 518. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 531. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 182. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 131. E & R amendment found in the Journal on page 1872 for the Seventy-Eighth Day was adopted.

Advanced to E & R for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 347A. Title read. Considered.

Advanced to E & R for Review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

MOTION—Priority Bills

Mr. George moved that committee chairmen may carry one committee priority bill instead of a personal priority bill.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. George moved for a Call of the House. The motion prevailed with 18 ayes, 8 nays, and 23 not voting.

Mr. Chambers moved the Call be raised. The motion lost with 18 ayes, 19 nays, and 12 not voting.

Mr. George requested a roll call vote on the motion.

Voting in the affirmative, 22:

Bereuter	Brennan	Burrows	Cope	DeCamp
Fitzgerald	George	Goodrich	Hasebroock	Hefner
Kahle	Koch	Kremer	Labedz	Lamb
F. Lewis	Maresh	Moylan	Rasmussen	Savage
Schmit	Warner			

Voting in the negative, 22:

Barnett	Carsten	Chambers	Clark	Cullan
Duis	Dworak	Fowler	Keyes	R. Lewis
Luedtke	Marsh	Maxey	Mills	Murphy
Newell	Nichol	Reutzel	Rumery	Simon
Stoney	Venditte			

Present and not voting, 1:

Merz

Excused and not voting, 4:

Boughn	Kelly	Marvel	Swigart

The George motion lost with 22 ayes, 22 nays, 1 present and not voting, and 4 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

MESSAGE FROM THE GOVERNOR

May 6, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 161, 161A, 246, 328, 344, 344A, 384, 398, 425, 485, 486, 486A, 516, 517, and 517A, and Reengrossed Legislative Bills Nos. 30, 238, and 419.

These bills were signed by me on May 5, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

ATTORNEY GENERAL'S OPINION

Opinion No. 88
May 6, 1977

Dear Senator Barnett:

You have inquired about the validity of the amendments to LB 131 found on page 1671 of the Legislative Journal. You particularly ask whether it is too vague. We believe the bill, as amended, is quite unclear, and we have serious question as to whether the bill, as amended, actually expresses the intentions of the drafters.

Section 2 of the bill now provides:

> "Each county shall reappraise all lands and improvements in such county on or before January 1, 1978. The Tax Commissioner shall by rule establish standards for such reappraisal. The standards shall be such as to insure the determination of actual value on a consistent basis in accordance with the formula prescribed in section 77-112, Revised Statutes Supplement, 1976."

Section 3 of the bill provides for approval of the reappraisals by the Tax Commissioner. Section 4 provides the right of appeal by aggrieved taxpayers. Section 5 provides that counties may enter into reappraisal

contracts as provided in Chapter 77, Article 13. Section 6 provides for penalties for counties that do not reappraise by January 1, 1978, and further penalties for those who do not reappraise by 1979, 1980, and subsequent years.

The bill seems to say in quite unambiguous language that all 93 counties in the state shall reappraise all lands and improvements between the effective date of the act, if it passes, and January 1, 1978. We are not sure exactly what type of reappraisal the drafters of the amendment had in mind, but it is manifestly impossible for all counties, or, perhaps, any county, to complete a meaningful reappraisal in that period of time. Reappraisals done by professional appraisal firms have generally taken several years to complete. Furthermore, most counties have had their real estate reappraised pursuant to sections 77-1301.01 to 77-1301.07. Some of these reappraisals have recently been put into effect. This bill would, apparently, require all of these reappraisals to be scrapped, and new ones made before next January.

We cannot believe that this is the real intention of the bill. We assume that the real intention is to force those few counties which have not completed reappraisals pursuant to sections 77-1301.01 to 77-1301.07 to do so, and put them into effect for next year. If that is the intention, it has not been expressed in the bill, as amended.

We do not believe your questions about the imposition of penalties raise any constitutional problems. The bill provides for approval of reappraisals by the Tax Commissioner. A refusal on his part to approve a valid reappraisal would be subject to appeal to the courts. If a county submits a reappraisal which he rejects, and his rejection is sustained by the courts, it would be prefectly proper, as a constitutional matter, for the Legislature to penalize the county, even though it acted in good faith. In the event the court reversed the Tax Commissioner, and accepted the reappraisal, we assume no penalty would be assessed.

Sections 7 and 8 of the bill would limit the amount of budgets of political sbudivisions levying taxes. Similar provisions were contained in a previous version of the bill, which we discussed in an opinion to Senator Koch dated March 22, 1977. Some of the same ambiguities we called attention to are still present in sections 7 and 8 of this version of the bill.

Section 7 provides in part:

> "Every political subdivision authorized to levy a tax shall adjust that portion of its budget for operating and maintenance purposes for the upcoming fiscal year so as not to exceed seven per cent of the previous year's budget funded by ad valorem taxes or the average increase by percentage for the three such preceding budgets, whichever is greater. . . ."

We are confident that this provision does not express the real intention of the drafters of the amendment. It seems to say that the budget (or the part of it for operating and maintenance purposes) shall not exceed seven

per cent of the previous year's budget. What was intended, we believe, was that the increase in the budget should not exceed seven per cent. To illustrate what we mean, suppose the previous year's budget was one million dollars. Under section 7, as written, the current year's budget for operating and maintenance purposes could not exceed seventy thousand dollars. This surely cannot be the intention, but it is what is said.

We pointed out in our opinion of February 10, 1977, to Senator DeCamp, that the court might find a budgetary limitation based upon the previous year's budget to be unreasonable classification, since it appears to permanently freeze budgets on the basis of the budget in effect on the effective date of the act, which might have no relationship to budgetary needs in the future, and two identical taxing entities might have different budgetary limitations, based upon what are essentially irrelevant considerations.

Section 8 of the bill is an apparent attempt to permit an escape from the budgetary limiations of section 7, which probably would take care of the constitutional question we just discussed. However, it fails to accomplish its purpose. It provides that if any political subdivision determines that a budget higher than permitted by section 7 is needed, it shall hold a public hearing to receive input from the public regarding the advisability of exceeding the limits prescribed by section 7. Nowhere in section 8, however, do we find authorization to exceed the limitations imposed by section 7, even after the hearing. The section provides for the hearing, but does not provide for any action by the governing body as a result of the hearing. Therefore, the limitations of section 7 would still be applicable, and the hearing prescribed by section 8 would be futile.

In summary, we believe that the amended bill fails in a number of ways to adequately express what is intended, and that, if interpreted literally, would require impossible actions or disastrous results.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

MOTION–Reconsider Action

Mr. Stoney moved to reconsider action on the Stoney amendment to the Chambers motion of this morning.

Mr. F. Lewis 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. Stoney moved for a Call of the House. The motion prevailed with 19 ayes, 10 nays, and 20 not voting.

Mr. Stoney moved the Call be raised. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

The Stoney motion to reconsider action prevailed with 26 ayes, 15 nays, 5 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 263

Mr. Murphy asked unanimous consent to print the following amendment to LB 263 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 263

1. On page 5, line 6, strike (a) and on line 7, strike beginning with the comma in line 7 through the (.) in line 11 and insert the following : "or registering its securities by qualification, which proposes to effect transactions in the securities it issues with the public of the state of Nebraska."
2. On page 7, strike beginning with the word "any" in line 8 through "and" in line 12.
3. On page 21, strike lines 25, 26, and 27 and on page 22, strike line 1, and insert the following: (8) "The issuer's enterprise or method of doing business includes or would include activities which are illegal where performed;"
On page 22, strike lines 2, 3, 4, and 5 and insert the following: " (9) The offering worked or tended to work a fraud upon purchasers or would so operate; or"
On page 22, strike lines 6, 7, and 8 and insert the following: " (10) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options."

GENERAL FILE

LEGISLATIVE BILL 46. Title read. Considered.

Mr. Murphy renewed his amendment found in the Journal on page 1535.

MR. MARVEL PRESIDING

Mr. Duis offered the following amendment to the Murphy amendment:
In Sec. 2 of the Murphy amendment strike the last sentence.

The Duis amendment was adopted with 16 ayes, 5 nays, 25 present and not voting, and 3 excused and not voting.

The Murphy amendment, as amended, was adopted with 25 ayes, 3 nays, 18 present and not voting, and 3 excused and not voting.

Mr. Cullan offered the following amendment:

Strike all sections and insert section 1 found in the Journal on page 880.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 6 ayes, 16 nays, and 27 not voting.

The Cullan amendment lost with 13 ayes, 15 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Review with 25 ayes, 5 nays, 17 present and not voting, and 2 excused and not voting.

ATTORNEY GENERAL'S OPINION

Opinion No. 89
May 9, 1977

Dear Senator Lamb:

You have asked if LB 33 of the Eighty-fifth Legislature, First Session (1977), is constitutional. You state that you are particularly interested in the question as to whether section 10 (1) of LB 33, supra, meets all the tests of constitutionality. You note that said section limits general fund expenditures of school districts and subsection (1) of this section limits increases in salary and salary related items to percentage increases in the Consumer Price Index. In connection therewith you state that Mr. Richard Bahr, U.S. Department of Labor, Division of Consumer Prices and Indices, has informed you that although the criteria used to determine the Consumer Price Index has not been changed since 1973, a number of criteria changes will be made in the fall of 1977.

It is well-settled law that the Legislature may lawfully enact a statute in which it adopts by reference an existing law of 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). On the other hand, it is also well-settled law that the Legislature, except as 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 the Congress of the United States to be enacted in the future. Section 1B of Article VIII, Constitution of Nebraska; Smithberger v. Banning, 129 Neb. 651, 262 N.W. 492 (1935).Consequently, the critical problem with section 10(1) of LB 33 of the Eighty-fifth Legislature, First Session (1977), is the possibility that the United States Department of Labor may establish certain criteria to determine the Consumer Price Index different from the criteria which was established to determine this index at the time LB 33, supra, is passed by the Legislature and approved by the Governor. If that were to occur a court could find that section 10(1) of this legislative bill had been rendered inoperative. However, such a finding would not necessarily be critical for the reason that school district budgets are fixed in August of each year which would be prior to any change in the criteria to determine the Consumer Price Index, assuming that criteria is changed this fall. Obviously, if that criteria is changed this fall, the second session of the Eighty-fifth Legislature should consider an appropriate amendment to this legislation next year. Even if the criteria to determine the Consumer Price Index is not changed this fall, the Legislature should consider an appropriate amendment to this legislation next year for the reason that the law is unclear as to whether or not the Legislature can presently adopt the numerical value of this index to be determined in the future.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Harold Mosher
Assistant Attorney General

HM:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 9, 1977, at 2:25 p.m., were the following bills: 139, 162, 290, 390, 390A, 427, 450, 450A, 483, 504, and 521.

(Signed) Jan Loder, Enrolling Clerk

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 204. Placed on Select File as amended.
E & R amendments to LB 204:

1. On page 5, line 7, strike "encourage" and insert "(4) encouraging" and renumber subsequent subdivisions accordingly; in line 11 strike "require" and insert "requiring"; in line 14 strike "evaluate" and insert "evaluating"; and in line 17 strike "promulgate" and insert "promulgating".

2. On page 6, line 20, insert "and" after the second comma; and in line 27 strike the second "each" and insert "the".

3. On page 7, line 2, strike the second "each" and insert "the".

4. Insert the R. Lewis amendments as sections 20 to 22.

5. Renumber original sections 20 to 29 as sections 23 to 32.

6. In new section 20, line 2, strike "71-5004" and insert "section 71-5004,"; in line 5 insert an underscored comma after "services"; and in line 9 strike "of the Department".

7. In new section 21, line 2, insert an underscored comma after "services".

8. In new section 22, line 4, insert "to the department" after "submitted"; in line 5 and lines 11 and 12, strike "of the Department"; and insert a comma after "rules" in line 9 and "examination" in line 11.

9. In lieu of the F. Lewis amendment, in new section 21, at the end of line 5 insert "Each private provider of services shall submit to the governing board a detailed audit for all money received under the provisions of this act.".

10. On page 9, line 11, strike "20" and insert "23".

11. On page 6, line 2, strike "services and programs" and insert "programs and services".

12. On page 7, strike line 11 and insert "community alcoholism facilities, programs, and services.".

13. For correlation purposes, on page 1, line 17, insert ", as amended by section 1, Legislative Bill 254, Eighty-fifth Legislature, First Session, 1977" after "1943"; and on page 3, line 13, insert a period after "license" and strike the remainder of the sentence.

14. On page 11, line 2, insert ", as amended by section 1, Legislative Bill 254, Eighty-fifth Legislature, First Session, 1977" after "1943".

15. In the title, strike lines 2 to 8 and insert:

"FOR AN ACT relating to alcoholism; to provide for alcoholism facilities, programs, and services as prescribed; to increase the taxes on alcoholic liquors and allocate such increase; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 254, Eighty-fifth Legislature, First Session, 1977; to provide severability; to provide an operative date; to repeal the original section; and to declare an emergency.".

LEGISLATIVE BILL 204A. Placed on Select File as amended.
E & R amendment to LB 204A.

1. On page 2, line 6, insert a comma after "Legislature".

LEGISLATIVE BILL 347A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Print Amendment to LB 539

Mr. Duis asked unanimous consent to print the following amendments to LB 539 in the Journal. No objections. So ordered.

I move to amend LB 539:
On page 25, Line 17, strike "up" and insert "five".
In Line 20 before the comma, insert "in an ongoing educational program."
In Line 20 insert a new Section (d), "The education program shall be available to a core population which shall mean those children who have received the diagnostic services of the Center and, as agreed upon by the local school district of residence, need continued educational services at the Center. Such services including residential care, if necessary, may be provided for the remainder of the current school year unless the Center in consultation with the local district and parents or guardians recommends other placement."
In Line 20, redesignate (d) as (e).
In Line 22, strike beginning with "No" through the period in Line 24.

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

Mr. F. Lewis offered the following amendment:
To amend new section and renumber
Every person convicted of littering shall be required to pick up litter in lieu of a fine.

Mr. Simon offered the following amendment to the F. Lewis amendment:
To amend the Lewis amendment to add: "Any person suffering from a physical handicap or liability shall be except (sic) from this penalty and shall instead be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period not to exceed thirty days or by both such fine and imprisonment."

The Simon amendment was adopted with 16 ayes, 9 nays, 22 present and not voting, and 2 excused and not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mr. F. Lewis requested a roll call vote on the amendment.

Voting in the affirmative, 26:

Barnett	Brennan	Burrows	Chambers	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Kahle
Kelly	Keyes	Labedz	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Moylan	Rumery	Savage	Schmit	Simon
Venditte				

Voting in the negative, 17:

Bereuter	Carsten	Clark	Cope	Cullan
Dworak	Hefner	Koch	Lamb	Marsh
Mills	Murphy	Nichol	Rasmussen	Reutzel
Stoney	Warner			

Present and not voting, 3:

Duis	Kremer	Newell

Excused and not voting, 3:

Boughn DeCamp Swigart

The amendment was adopted with 26 ayes, 17 nays, 3 present and not voting, and 3 excused and not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 5 nays, 13 present and not voting, and 3 excused and not voting.

Mr. Stoney asked unanimous consent to withdraw his name as introducer of LB 114.

Mr. Chambers objected.

Mr. Stoney moved to indefinitely postpone LB 114.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

The motion to indefinitely postpone LB 114 prevailed with 28 ayes, 6 nays, 11 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 530

Mr. Warner asked unanimous consent to print the following amendments to LB 530 in the Journal. No objections. So ordered.

Committee Amendments to LB 530

Board of Nursing

Basis: The agency requested an increase in the personal services limitation to reflect changes which have occurred since the budget request was submitted.

On page 7, line 9 strike "110,200" and insert "112,230" and on line 10 strike "90,750" and insert "91,450".

Department of Insurance

Basis: Reclassifications of employees caused the Department to request an increase in personal services limitations and salary basis for 1978-79.

On page 3, line 24, strike "384,505" and insert "388,005" and in line 25, strike "341,001" and insert "344,501".

UNANIMOUS CONSENT—Print Amendment to LB 531

Mr. Warner asked unanimous consent to print the following amendment to LB 531 in the Journal. No objections. So ordered.

Committee Amendment to LB 531

Supreme Court

BASIS: The salary basis for 1978-79 is adjusted to reflect the Committee decision to add five positions. The personal services limitation and salary basis for 1978-79 are also adjusted to reflect the Barnett Amendment, adopted May 3, adding $33,000.

On page 3, line 11, strike "$3,612,000" and insert "$3,645,000"; on line 12, strike "$3,277,985" and insert "$3,343,985".

UNANIMOUS CONSENT–Print Amendments to LB 532

Mr. Warner asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

Appropriations Committee Amendments to LB 532

Equal Opportunity Commission

Basis: The personal services limitation and salary basis for 1978-79 are increased to include the attorney and the change from CETA to EEOC funding of another position.

On page 52, line 10, strike "315,900" and insert "331,774" and in line 11, strike "266,800" and insert "282,674".

Department of Motor Vehicles

Basis: The agency requested that the salary basis for 1978-79 be increased by $279 to include one employee reclassification.

On page 13, line 21, strike "148,283" and insert "148,562".

Department of Roads

Basis: Reclassifications have occurred since January 1 which require that the salary basis for 1978-79 be increased by $280,000 and the personal services limitation be increased by $302,400.

On page 24, line 27, strike "9,135,804" and insert "9,438,204" and on page 25, line 1, strike "8,775,752" and insert "9,055,752".

Department of Correctional Services

Basis: Personal services limitations are increased as requested by the Department of Correctional Services.

On page 38, line 26, strike "1,328,873" and insert "1,367,008".
On page 38, line 27, strike "1,207,376" and insert "1,245,511".
On page 39, line 6, strike "886,323" and insert "922,921".
On page 39, line 7, strike "792,692" and insert "829,290".
On page 39, line 22, strike "564,791" and insert "521,407".
On page 39, line 23, strike "512,864" and insert "469,480".

Department of Public Institutions

Basis: The agency requests the following adjustments to personal services limitations.

On page 15, on line 12, strike "1,308,660" and insert "1,412,846"; on line 13, strike "1,168,446" and insert "1,261,469".

On page 17, on line 23, strike "10,181,564" and insert "10,313,414"; on line 24, strike "9,090,682" and insert "9,208,405"; on line 17, strike "Home" and insert "Developmental Center".
On page 20, on line 19, strike "4,525,639" and insert "4,616,470"; on line 20, strike "4,040,750" and insert "4,121,848".
Department of Economic Development
Basis: Identifies an administratively established cash fund needed for the operation of the Aerospace museum.
On page 78, line 27 after "Tourist Promotion Cash Fund" insert ", Aerospace Museum Cash Fund".
Basis: This is part of the transfer of local planning responsibilities from the State Office of Planning and Programming.
On page 83, line 3, strike ", Local Match Trust Fund" and on page 82 line 20, after "Fund" insert ", Local Match Trust Fund".
Department of Economic Development
Basis:
This amendment exempts the $50,000 for the Indian Population Study from the limitation for contractual services for the Department of Economic Development.
On page 56, after line 1, add the following sentence:
"Funds provided for the contracting of an Indian Population study pursuant to LB 905 of 1976 shall not be included in the limitations for expenditures for contractual services."
Department of Revenue
Basis: These cash funds were changed by bills enacted in 1976.
On page 78, line 17, strike "Tax Commissioner Cash Fund", on page 84, strike Lines 24 and 25 and insert "(1) State Treasurer: Tax Refund Fund;"
State Historical Society
Basis: The cash funds fo(sic) the Bicentennial Commission are appropriated to the Historical Society to pay any late bills for expenses incurred by the Bicentennial Commission which ceased to operate April 30, 1977.
On page 45, after line 26, insert
"(8) Program 328 Nebraska American Revolution Bicentennial Commission
The cash fund balance existing on June 30, 1977 in the American Revolution Bicentennial Cash Fund is hereby appropriated to the Nebraska State Historical Society for the purpose of funding the payment of all debts of the Nebraska American Revolution Bicentennial Commission existing on June 30, 1977 and for no other purpose."
Department of Public Welfare
Basis: Includes all administrative costs in a single program.
On page 21, in line 3, strike "State Supervision" and insert "Administration"; in line 5, strike "3,645,733" and insert "9,730,638"; in line 6, strike "6,034,400" and insert "15,962,402"; in line 7, strike "9,680,133" and insert "25,693,040"; in line 8, after "expenditures" insert "for state

employees"; and in line 9, after "basis" insert "for state employees"; and strike line 11 to 16.

Nebraska Liquor Control Commission

Basis: The original personal services limitation is set too high.
On page 35, line 20, strike "255,466" and insert "222,839", on line 21, strike "232,242" and insert "194,314".

Natural Resources

Basis: The agency requests that the personal services limitation be increased because the sole employee has changed from single to family coverage health insurance.
On page 46, on line 27, strike "22,029" and insert "22,462".

State Fire Marshal

Basis: The personal services limitations and salary basis for 1978-79 are increased to reflect reclassifications scheduled for July 1.
On page 11, line 19, strike "426,468" and insert "475,958" and on line 20, strike "369,646" and insert "419,136".

Department of Agriculture

Basis: To merge the Marketing Program into the Administration Program in the Department of Agriculture.
On page 5, line 3, strike "345,756" and insert "385,240";
On page 5, after line 3, insert a new line, "Cash Fund 39,483";
On page 5, line 5, strike "359,839" and insert "438,806";
On page 5, line 7, strike "223,013" and insert "256,848";
On page 5, line 8, strike "204,443" and insert "234,851";
On page 7, strike lines 15 through 22;
Strike beginning with line 23, page 7, through line 2, page 8, and reinsert the same on page 5 after line 8.

Department of Education

Purpose: To increase the General Fund appropriation to the State Department of Education, Program No. 292 - Special Education for Diagnostic Services.
On page 69, on line 11 strike "15,551,065" and insert "15,571,065"; on line 14 strike "17,431,621" and insert "17,451,621".
On page 75, on line 10 strike "76,516,156" and insert "76,536,156"; on line 14 strike "122,481,283" and insert "122,501,283".

AMENDMENT TO APPROPRIATION COMMITTEE AMENDMENT TO LB 532 ON PAGE 1621 OF THE JOURNAL

In lieu of committee amendment 3, on page 69, after line 17, add the following:

There is included in the amount shown the following General Funds which shall only be expended by the State Department of Education through contracts with the following agencies for diagnostic services, (1) University of Nebraska Medical Center, Meyer Children's Renabilitation Institute - $65,000; (2) University of Nebraska - Lincoln, Barkley Memorial Center - $10,000. There is

also included in the amount shown $20,000 General Funds which shall only be expended for diagnostic services at the Diagnostic Resource Center at Cozad.

COMMITTEE AMENDMENT TO THE DWORAK-DECAMP AMENDMENT TO LB 532 ON PAGE 1616 OF THE JOURNAL

Purpose: To reappropriate $150,000 more General Funds than was originally anticipated.

On page 18, in line 5 and 6 strike "6,365,969" and insert "6,215,969"; in line 12 strike "500,000" and insert "650,000".

In the new language inserted on page 18, on line 27, strike "500,000" and insert "650,000".

On page 20, on line 23, strike "31,388,633" and insert "31,238,633"; on line 26 strike "50,876,197" and insert "50,726,197".

AMENDMENT TO APPROPRIATIONS COMMITTEE AMENDMENTS II to LB 532

Department of Corrections

Basis: Removes words in Legislative Intent language for the Correctional Improvement Program as requested by the Department of Correctional Services.

On page 3, line 7, strike "direction" and insert "advice".

On page 4, line 23, strike "direction" and insert "advice".

Department of Aeronautics

Basis: Amend language to insure that cash funds received from other state agencies will be used for expenses incurred in the operation of such aircraft.

On page 1, on line 9, after "aircraft" insert "in service to other state agencies".

Basis: To clarify the use of General Funds.

On page 1, strike lines 4 through 6;

On page 1, line 7 strike "mission" and insert the following:

"The General Fund amount included is to be used to reimburse the Nebraska Wing Civil Air Patrol for actual operating and maintenance expenses incurred on Civil Air Patrol aircraft, vehicles, and the operation, maintenance, and acquisition of communications equipment used in fulfilling the objectives and purposes of the Civil Air Patrol."

Department of Administrative Services

Basis: To correct the original language specifying the amount of funds that may be expended for data processing charges. The Committee intended this amount to be the same as that requested by the agency.

On page 6, line 18, strike "284,100" and insert "348,900".

Department of Economic Development

Basis: This amendment clarifies the limitation for contractual services for the Department of Economic Development. The amendment specifies that the transferred State Office of Planning and Programming, local planning function expenditures are not to be included in the limitation for Program 604 - Administration and Research of the Department of Economic Development.

On page 8, after line 14, add a new paragraph as follows:
"Funds spent for contractual services by the local planning function of the State Office of Planning and Programming transferred to the Department of Economic Development shall not be included in the limitation of contractual service expenditures as directed in Program 604 - Administration and Research of the Department of Economic Development."
Basis: This amendment transfers all equipment, properties, etc., of the State Office of Plannign (sic) and Programming local planning function, to Department of Economic Development on July 1, 1977.
On page 8, line 14, after "completed" insert:
"All furniture, equipment, books, files and records in the possession of and used by the State Office of Planning and Programming local planning function shall be transferred and delivered to the Department of Economic Development on July 1, 1977."

UNANIMOUS CONSENT – Print Amendments to LB 533

Mr. Warner asked unanimous consent to print the following Committee Amendment to LB 533 in the Journal. No objections. So ordered.

COMMITTEE AMENDMENT TO COMMITTEE AMENDMENT 1
TO LB 533 on PAGE 1755 OF THE JOURNAL

PURPOSE: To adjust personal services limitations for Kearney State College, Agency 50-2.
On page 7, on line 14, strike "5,562,825" and insert "5,031,682"; on line 16, strike "4,807,537" and insert "4,468,081".
On page 8, on line 23, strike "1,160,411" and insert "1,434,527"; on line 25, strike "1,024,885" and insert "1,309,536".
On page 9, on line 17, strike "1,047,537" and insert "1,106,638".

COMMITTEE AMENDMENT TO LB 533

PURPOSE: To adjust personal service limitations for Peru State College, Agency 50-3.
On page 12, on line 6, strike "346,194" and insert "354,277"; on line 8, strike "285,441" and insert "293,441".
On page 12, on line 27, strike "552,374" and insert "558,374".
On page 13, on line 2, strike "495,073" and insert "501,073".
PURPOSE: To provide authorization to the Board of Trustees of the Nebraska State Colleges to transfer funds and to provide for reporting requirements.
On page 3, after line 5, insert the following language:
Upon authorization of the Board of Trustees of the Nebraska State Colleges, instructional improvement funds may be transferred to the four State Colleges for approved improvement projects. On or before December 1, 1977, the Board of Trustees of the

Nebraska State Colleges shall file with the Executive Board of the Legislative Council and the Governor a report detailing the transfer of instructional improvement funds to the State Colleges. The report shall identify the State College personal service expenditures adjustments required based upon such transfer of funds.

PURPOSE: To earmark general funds placed in the University budget to fund programs now supported by student fees.

On page 18, after line 4, insert: There is included in the amount shown 65,000 General Funds to fund programs now supported by student fees in accordance with the recommendations of the Board of Regents.

On page 22, after line 7, insert: There is included in the amount shown 68,100 General Funds to fund programs now supported by student fees in accordance with the recommendations of the Board of Regents.

On page 26, after line 26, insert: There is included in the amount shown 38,700 General Funds to fund programs now supported by student fees in accordance with the recommendations of the Board of Regents.

PURPOSE: To identify those new and expanded or workload requests which are not included in the General Fund appropriation for the University of Nebraska.

On page 21, after line 17, insert: Not included in the General Fund appropriations for the University of Nebraska are the following new and expanded or workload program requests.

I. University of Nebraska-Lincoln

A. Improvement (excluding Institute of Agriculture and Natural Resources): Teachers College, State Museum Research, Legal Services, Publications, Purchasing, and Deferred Maintenance.

B. Improvement (Institute): 3,106,660 in Improvements.

II. University of Nebraska at Omaha

A. Improvement: Center for Improvement of Instruction, Criminal Justice, Social Work, Freshman English Program, Math and Computer Science, Arts, Music, Elementary and Early Childhood Education, Exercise Physiology, Speech Pathology, Radio TV, Audio Visual, Placement Services, Fire Safety Inspector, Plumber, Physical Plant Office Management, Security Officer, Fieldhouse Security, Registrar, Admissions, Financial Aids, Counseling and Testing, Career Development Specialist, Information Center Receptionist, Grants Accounting, Cashiering, Equipment Inventory, and Data Input Coordinator.

III. University of Nebraska Medical Center
A. Workload: Security, Graduate College, Associate Director - Library, Nursing Workload reduction, Continuing Education, NPI In-patient Billing, Allied Health improvement, and upgrading of Student Services positions.
B. Improvement: Dean and Vice Chancellor for Academic Administration, Bindery and Preservation Library, Primary Care and Specialty Care Services, Intern and Resident, Respiratory Protection Equipment, Omaha VA Two-way TV, and the Clinical Psychology Internship Program.
IV. University of Nebraska Central Administration
A. Workload: SUN
PURPOSE: Reduce General Fund appropriation to the Fieldhouse back to the 1976-77 level of $589,684 and increase cash funds by the General Fund decrease.
On page 26, line 6, strike "620,767" and insert "589,684"; on line 7, strike "26,325" and insert "57,408"; on line 14, strike "46,169,226" and insert "46,138,143"; and on line 15, strike "15,513,123" and insert "15,544,206".

UNANIMOUS CONSENT–Print Amendments to LB 539

Mr. Warner asked unanimous consent to print the following amendments to LB 539 in the Journal. No objections. So ordered.

Appropriations Committee Amendment to LB 539
DEPARTMENT OF ECONOMIC DEVELOPMENT

Basis:
This amendment clarifies the limitation for contractual services for the Department of Economic Development. The amendment specifies that the transferred State Office of Planning and Programming, local planning function expenditures are not to be included in the limitation for Program 604 – Administration and Research of the Department of Economic Development.
On page 19 after line 13 add a new paragraph as follows:
"Funds spent for contractual services by the local planning function of the State Office of Planning and Programming transferred to the Departmnet of Economic Development shall not be included in the limitation of contractual service expenditures as directed in Program 604 – Administration and Research of the Department of Economic Development."
Basis:
This amendment transfers all equipment, properties, etc of the State Office of Planning and Programming – local planning, to Department of Economic Development on July 1, 1977.

On page 19, line 13 after "completed" insert:

"All furniture, equipment, books, files and records in the possession of and used by the State Office of Planning and Programming local planning function shall be transferred and delivered to the Department of Economic Development on July 1, 1977."

Basis:

This amendment exempts the $50,000 for the Indian Population Study from the limitation for contractual services for the Department of Economic Development.

On page 18, after line 5, add the following sentence:

"Funds provided for the contracting of an Indian Population study pursuant to LB 905 of 1976 shall not be included in the limitations for expenditures for contractual services."

DEPARTMENT OF CORRECTIONAL SERVICES

Basis:

Remove words in Legislative Intent language for the Correctional Improvement Program as requested by the Department of Correctional Services.

On page 9, line 4, strike "direction" and insert "advice".

On page 10, line 20, strike "direction" and insert "advice".

DEPARTMENT OF ADMINISTRATIVE SERVICES

Basis:

To clarify the original language – LB 539.

On page 15, after "rebates" on line 2 insert "or reductions in charges";

On line 3 strike ", but instead" and insert a period;

strike line 4.

Basis:

To correct the original language specifying the amount of funds that may be expended for data processing charges. The Committee intended this amount to be the same as that requested by the agency.

On page 15, line 6, strike "284,100" and insert "348,900".

DEPARTMENT OF AERONAUTICS

Basis:

Amend language to insure that cash funds received from other state agencies will be used for expenses incurred in the operation of such aircraft.

On page 2, line 24, after "aircraft" insert "in service to other state agencies".

Basis:

To clarify use of General Funds.

On page 2, strike lines 18 to 21, insert:

"The General Fund amount included is to be used to reimburse the Nebraska Wing Civil Air Patrol for actual operating and maintenance expenses incurred on Civil Air Patrol aircraft, vehicles, and

the operation, maintenance, and acquisition of communications equipment used in fullfilling the objectives and purposes of the Civil Air Patrol."

DEPARTMENT OF PUBLIC WELFARE

Basis: Makes the directive to the Department of Public Welfare more specific.
On page 4, in line 13, strike "It is the intent of the Legislature that the" and insert "The" and in line 14 after "Welfare" insert "shall".
Basis: Makes the directive to the Department of Public Welfare more specific and adds an operative date.
On page 4, in line 18, strike "It is the intent of the Legislature that the" and insert "The" and in line 19 after "Welfare" insert "shall". In line 22 after "standard." insert "The consolidated standard shall be used in the administration of the program beginning July 1, 1977."

NEBRASKA EDUCATIONAL TELEVISION COMMISSION

Basis: To provide for a cooperative Nebraska folklore study between the NETV Commission and the University of Nebraska and to encourage the NETV Commission to consider program production funding based on the study findings.
Add the following new section:
Agency No. 47 -- Nebraska Educational Television Commission
It is the intent of the Legislature that the Educational Television Commission and the University of Nebraska jointly conduct a study of Nebraska folklore. Upon completion of the study, the Educational Television Commission shall give special consideration to program production funding of folklore programming. On or before January 1, 1978, the Educational Television Commission shall file a report with the Clerk of the Legislature describing the results of the study and any program production funding granted to implement the study findings.

UNANIMOUS CONSENT—Print Amendments to LB 543

Mr. Warner asked unanimous consent to print the following amendments to LB 543 in the Journal. No objections. So ordered.

COMMITTEE AMENDMENTS TO LB 543

PURPOSE: To earmark General Funds placed in the University budget to fund programs now supported by student fees.
On page 5, after line 15, insert: There is included in the amount shown 65,000 General Funds to fund programs now supported by student fees in accordance with the recommendations of the Board of Regents.

On page 6, after line 22, insert: There is included in the amount shown 68,100 General Funds to fund programs now supported by student fees in accordance with the recommendations of the Board of Regents.

On page 7, after line 27, insert a new section as follows:

Sec. 7. Agency No. 51-2 -- University of Nebraska at Omaha Program No. 791 – Instruction, Research, and Extension Support.

There is included in the amount shown 38,700 General Funds to fund programs now supported by student fees in accordance with the recommendations of the Board of Regents.

On page 8, before line 1, insert a new section as follows:

Sec. 8. Agency No. 51-3 -- University of Nebraska Medical Center Program 731 - Instruction, Research, Extension, Hospitals, Institutes, and Clinics.

It is the intent of the Legislature that the Medical Center keep the Legislature posted by submitting a report every three months, commencing on October 1, 1977, on the status of the Cash Fund revenue shortfall. The Legislature authorizes the University of Nebraska Medical Center to use any unanticipated capitation funding received over the 1977-78 estimates as represented on page 19, Volume 3, of the University of Nebraska Budget Request Technical Support Document, for the purpose of funding the Cash Fund shortfall and eliminating to the extent possible a 1977-78 deficiency request. The report shall be filed with the Executive Board of the Legislature.

Renumber the remaining sections accordingly.

PURPOSE: To identify those new and expanded or workload requests which are not included in the General Fund appropriation for the University of Nebraska.

On page 5, after line 15, insert: Not included in the General Fund appropriations for the University of Nebraska are the following new and expanded or workload program requests.

I. University of Nebraska-Lincoln

A. Improvement (excluding Institute of Agriculture and Natural Resources): Teachers College, State Museum Research, Legal Services, Publications, Purchasing, and Deferred Maintenace.

B. Improvement (Institute): 3,106,660 in Improvements.

II. University of Nebraska at Omaha

A. Improvement: Center for Improvement of Instruction, Criminal Justice, Social Work, Freshman English Program Math and Computer Science, Arts, Music, Elementary and Early Childhood Education, Exercise Physiology, Speech Pathology, Radio TV, Audio Visual, Placement Services, Fire Safety Inspector, Plumber, Physical Plant Office Management, Security Officer, Fieldhouse Security, Registrar, Admissions, Financial Aids, Counseling and Testing, Career Development

Specialist, Information Center Receptionist, Grants Accounting, Cashiering, Equipment Inventory, and Data Input Coordinator.

III. University of Nebraska Medical Center

A. Workload: Security, Graduate College, Associate Director - Library, Nursing Workload reduction, Continuing Education, NPI In-patient Billing, Allied Health improvement, and upgrading of Student Services positions.

B. Improvement: Dean and Vice Chancellor for Academic Administration, Bindery and Preservation Library, Primary Care and Specialty Care Services, Intern and Resident, Respiratory Protection Equipment, Omaha VA Two-way TV, and the Clinical Psychology Internship Program.

IV. University of Nebrask Central Administration

A. Workload: SUN

UNANIMOUS CONSENT–Print Amendment to LB 532

Mr. Warner asked unanimous consent to print the following amendment to LB 532 in the Journal. No objections. So ordered.

AMENDMENT TO LB 532

Insert a new section:

Sec. Classification and reclassification of employee positions occurs continually during a fiscal period at the request of an agency head, an employee, or at the discretion of the Department of Personnel pursuant to rules and regulations established by the Department of Personnel. It is the intent of the Legislature that the Director of the Department of Personnel shall submit on or before December 15, 1977, to the Governor and the Appropriations Committee a report detailing alternative procedures by which the classifications and reclassifications could be accommodated in the budgeting and appropriations process.

UNANIMOUS CONSENT–Print Amendments to LB 204

Mr. Mills asked unanimous consent to print the following amendments to LB 204 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 204

Amendments are to the White Copy Adopted May 6, 1977

1. Insert new sections 9, 10, 11, and 12 as follows:

"Sec. 9. Alcoholic person shall mean a person addicted to the use of alcohol.

Sec. 10. That section 83-1009, Revised Statutes Supplement, 1976, are amended to read as follows:

83-1009. Mentally ill dangerous person shall mean any mentally ill person or alcoholic person who presents:

(1) A substantial risk of serious harm to another person or persons within the near future, as manifested by evidence of recent violent acts or threats of violence or by placing others in reasonable fear of such harm; or

(2) A substantial risk of serious harm to himself within the near future, as manifested by evidence of recent attempts at, or threats of, suicide or serious bodily harm, or evidence of inability to provide for his basic human needs, including food, clothing, shelter, essential medical care, or personal safety.

Sec. 11. That section 83-1022, Revised Statutes Supplement, 1977, be amended to read as follows:

83-1022. Mental health board proceedings shall be deemed to have commenced when the county attorney communicates to the sheriff or the director of the mental health center or government, private, or state hospital and the Director of the Division on Alcoholism of the Department of Public Institutions his or her intention to file the petition provided for in sections 83-1024 and 83-1025. The time of, receipt of, substance of, and name of the county attorney making such communication shall be recorded on the subject's certificate by the sheriff or director of the mental health center or hospital. A true copy of the certificate upon which the subject is admitted shall be made a part of the subject's records. Upon admission, he or she shall be given a list of the rights of subjects provided by sections 83-1047 to 83-1067, and if he or she is a minor or legally incompetent, the sheriff or director shall notify his or her parent or legal guardian of his or her admission.

Sec. 12. Any person needing treatment for alcoholism shall be committed for such treatment in accordance with the provisions of the Nebraska Mental Health Committment Act.".

GENERAL FILE

LEGISLATIVE BILL 340. Title read. Considered.

SPEAKER LUEDTKE PRESIDING

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Advanced to E & R for Review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 87.

Introduced by Newell, 13th District; Labedz, 5th District; Keyes, 3rd District; Kelly, 35th District.

WHEREAS, the Nebraska Unicameral relies upon the committee system to direct legislative activity; and

WHEREAS, it is in the best interest of the Legislature that its system of committees work at peak efficiency to insure high quality result from legislative efforts; and

WHEREAS, effective distribution of the legislative workload within committees is a guarantee of thorough deliberation of important and complex issues,

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

1. That a committee of nine members of the Legislature shall perform an interim study of the Unicameral committee system in an effort to determine the value and advisability of any changes which might be made in such system to enhance the legislative process.

2. That such committee shall be selected by the Speaker of the Legislature and shall include not more than three legislative standing committee chairpersons and at least two other senators from each of the three Nebraska congressional districts.

3. That the committee shall 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–Add Co-Introducers to LR 87

Messrs. Barnett, Bereuter, Carsten, Fitzgerald, Kahle, Kremer, F. Lewis, Luedtke, Marvel, Merz, Mills, Moylan, Savage, Simon, Venditte, and Mrs. Marsh asked unanimous consent to add their names to LR 87. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 75. Title read. Considered.

Standing Committee amendment found in the Journal on page 630 for the Thirty-Second Day was considered.

Mr. Schmit offered the following amendment:

Amend the Committee amendment strike where he resides and insert which he operates.

The Schmit amendment was adopted with 22 ayes, 0 nays, 23 present and not voting, and 4 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell 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. Koch moved for a Call of the House. The motion prevailed with 18 ayes, 12 nays, and 19 not voting.

Mr. Koch requested a roll call vote on the Standing Committee amendment.

Voting in the affirmative, 17:

Barnett	Bereuter	Carsten	Dworak	Fowler
Kahle	Keyes	Koch	Luedtke	Marsh
Marvel	Murphy	Newell	Reutzel	Schmit
Simon	Venditte			

Voting in the negative, 18:

Brennan	Burrows	Clark	Cope	Cullan
Duis	George	Hasebroock	Hefner	Kremer
Lamb	Maresh	Mills	Moylan	Nichol
Rasmussen	Rumery	Warner		

Present and not voting, 9:

Chambers	Fitzgerald	Goodrich	Kelly	R. Lewis
Maxey	Merz	Savage	Stoney	

Excused and not voting, 5:

Boughn	DeCamp	Labedz	F. Lewis	Swigart

The Standing Committee amendment, as amended, lost with 17 ayes, 18 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Koch moved the Call be raised. The motion prevailed with 22 ayes, 6 nays, and 21 not voting.

Mr. Koch renewed his pending amendment found in the Journal on page 1144.

The amendment lost with 14 ayes, 16 nays, 14 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet at 8:00 a.m., on May 10, 1977 in Room 1003.

VISITORS

The President introduced 21 sophomores from Newcastle High, New-Castle, Nebraska and sponsor; 25 Government students from Millard High School, Millard, Nebraska and teacher; former Senator Otho Kime from Valentine.

ADJOURNMENT

At 4:32 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Tuesday, May 10, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTIETH DAY–MAY 10, 1977

LEGISLATIVE JOURNAL

EIGHTIETH DAY—MAY 10, 1977

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 10, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by Dr. Robert B. Ohman, Westminster Presbyterian Church, Lincoln, Nebraska.

> Father, there is much to be done, the time is short and we are tired.
>
> Strengthen us physically, emotionally and spiritually for our work today.
>
> Give wisdom to each representative. Give to each the faith to trust you for guidance in the decisions that need to be made. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Schmit who was excused until he arrives and Mr. George who was absent until 9:30 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Seventy-Ninth Day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 257.

A BILL FOR AN ACT relating to state agencies; to declare intent; to call for the termination of all prescribed agencies, commissions, and boards; to provide procedures and considerations for the continuation or reestablishment of agencies, commissions, and boards; to require a performance review; to provide for the continuation of pending claims; and to provide for termination of this act.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 3:

Clark	Cullan	Marsh

Absent and not voting, 1:

George

Excused and not voting, 1:

Schmit

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

LEGISLATIVE BILL 257A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 257, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Kelly	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis

Luedtke	Maresh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 3:

Clark	Cullan	Marsh

Absent and not voting, 1:

George

Excused and not voting, 1:

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 536. With Emergency.

A BILL FOR AN ACT relating to clemency; to provide for a records management study; to require the Board of Parole and the Board of Pardons to promulgate certain rules and regulations; to provide duties of such boards; to eliminate the exemption of the Board of Pardons and the Board of Parole from the Administrative Procedures Act; to repeal sections 83-199 and 83-1,134, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Voting in the affirmative, 45:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Hefner	Kelly	Keyes
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 2:

Kahle Labedz

Absent and not voting, 1:

George

Excused and not voting, 1:

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 544. With Emergency.

A BILL FOR AN ACT relating to postsecondary education; to create a cash fund; to provide an appropriation; to provide a termination date; and to declare an emergency.

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

Voting in the affirmative, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 1:

Merz

Absent and not voting, 1:

George

Excused and not voting, 1:

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.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 545. Placed on General File as amended.
Standing Committee amendments to LB 545:

1. On page 2, line 21 after the period insert "No additional appropriations shall be requested to meet the requirements of this act.".

2. Insert a new section 5 as follows:

"Sec. 5. After reviewing the reports submitted pursuant to section 4 of this act, the Appropriations Committee shall prepare and introduce legislation to implement any recommended increases in personal services expenditure authorizations.".

3. Renumber original sections 5 to 7 as sections 6 to 8 respectively.

(Signed) Jerome Warner, Chairman

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 182.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 88.

Introduced by Barnett, 26th District.

WHEREAS, assault and battery by one marital partner upon the other within the home is a form of violence referred by the Federal Bureau of Investigation as exhibiting a frequency of occurance three times greater than the crime of rape in the United States; and

WHEREAS, such spouse assault is no less likely to occur in rural than urban areas, and can not be related to any single class or occupational group of citizens; and

WHEREAS, current procedures of law enforcement agencies and our judiciary seem to be of little aid in fully bringing incidents of spouse assault to light, fully protecting its victims or bringing violators to justice; and

WHEREAS, an increasing portion of Nebraska community resources are now needed to cope with the legal, emotional and financial problem, for Nebraskans brought about by incidences of spouse assault; and

WHEREAS, our government at all levels should work toward the most fair and reasonable treatment possible of all individuals effected by spouse assault acts.

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

1. That the Legislature's Judiciary Committee perform an interim study of spouse assault and related matters. Such study shall include the following elements:

a. The Committee shall survey current state law relating to spouse assault examining its content and actual effectiveness of enforcement;

b. The Committee shall consider and evaluate techniques and procedures for reporting incidents of spouse assault with the purpose of finding feasible and potentially effective guidelines for use in Nebraska law;

c. The Committee shall examine the effectiveness of current practice and procedures in law enforcement relating to enforcement of court issued protective orders and classification and handling of alleged offenders;

d. The Committee shall consider alternative sentencing procedures which may better assist and direct the judiciary in the disposition of matters relating to convicted offenders; and

e. The Committee shall determine the feasibility and workability of establishing a pilot program of marital violence treatment centers in Nebraska.

2. That the Committee shall hold public hearings in at least three communities outside of and in addition to the areas of Lincoln and Omaha to gather citizen input on matters germane to this study.

3. That the Committee shall consider in its process of study and evaluation the legislation proposed or enacted in other states specifically dealing with matters of spouse assault.

4. That the Committee shall solicit input from but not be limited to, the following organizations:

a. the Lincoln-Lancaster Commission on the Status of Women;
b. the Nebraska Task Force on Abused Women (Nebraska Commission);
c. the Omaha Commission on the Status of Women; and
d. any other organizations interest in legislation against home violence.

5. That the Committee shall make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 79. Read and considered.

LR 79 was adopted with 38 ayes, 0 nays, 10 present and not voting, and 1 absent and not voting.

MR. MARVEL PRESIDING

LEGISLATIVE RESOLUTION 82. Read and considered.

Mr. F. Lewis offered the following amendment:

In Resolve No. 1 after Governor of Nebraska, add "and the Nebraska Congressional Delegation."

The amendment was adopted with 26 ayes, 0 nays, and 23 present and not voting.

LR 82 was adopted, as amended, with 38 ayes, 0 nays, and 11 present and not voting.

LEGISLATIVE RESOLUTION 81. Read and considered.

Mr. Venditte asked unanimous consent to add the following names as co-introducers to LR 81. No objections. So ordered.

Mrs. Labedz and Messrs. Boughn, Burrows, Carsten, Clark, Cope, Cullan, DeCamp, Fitzgerald, Fowler, George, Goodrich, Hasebroock, Hefner, Kahle, Kelly, Keyes, Kremer, Lamb, R. Lewis, Maresh, Merz, Moylan, Murphy, Nichol, Reutzel, Rumery, Savage, Simon, Stoney, and Swigart.

LR 81 was adopted with 33 ayes, 1 nay, and 15 present and not voting.

EXPLANATION OF VOTE

Had I been present I would have voted "Aye" on LB 257 and LB 257A on Final Reading.

(Signed) Walter George

UNANIMOUS CONSENT–Print Amendments to LB 75

Mr. Reutzel asked unanimous consent to print the following amendments to LB 75 in the Journal. No objections. So ordered.

To Amend LB 75 as follows:
On page 5, insert a new section as follows:
"Section 3. It shall be unlawful for anyone to hunt, kill, shoot at or take coyotes with firearms or possess coyotes killed by firearms during the firearms deer hunting season as prescribed by the Game and Parks Commission. Sections 23-358 and 37-233 shall not be affected by the provisions of this section.
2. Renumber original Sections 3 and 4 as Sections 4 and 5 respectively.

UNANIMOUS CONSENT–Print Amendments to LB 372

Mrs. Marsh asked unanimous consent to print the following amendments to LB 372 in the Journal. No objections. So ordered.

PROPOSED AMENDMENTS TO LB 372

1. Insert two new sections to read:

"Sec. 2. That section 71-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1903. The department, before issuance of a license, shall cause such investigation to be made, as it shall deem necessary, to determine if the character of the applicant or person in charge of the business and the place where the child care is to be furnished are such as to insure the proper care and treatment of children. The department may request the State Fire Marshal to inspect such places for fire safety and the ~~Department of Health to~~ department may inspect such places to determine if they meet sanitation, and health and other standards set by the ~~Department of Health~~ department for the care and protection of such children. The authority to make such investigations may be delegated to qualified local fire prevention personnel, ~~or~~ environmental health personnel or other qualified local personnel, as appropriate. The department may also, at any time it sees fit, cause an inspection to be made of the place where any licensee is furnishing child care to see that such business is being properly conducted.

Sec. 3. That section 71-1904, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-1904. The department shall make such rules and regulations, consistent with sections 71-1901 to 71-1905, as it shall deem necessary for (1) the proper care and protection of children by licensees under said sections, (2) the issuance, denial, suspension and revocation of licenses to carry on the business of child care, ~~and~~ (3) the proper administration of said sections, and (4) the implementation of minimum standards governing administrative policies, staff qualifications, staff training requirements, staffing requirements, program standards, child

nutrition, physical standards, health standards, safety standards, and sanitation regulations necessary to qualify for a child care license from the department."

2. On page 2, line 19 strike "section" and insert "sections" and after "71-1901" insert ", 71-1903 and 71-1904"; and in line 20 strike "is" and insert "are".

3. Renumber original section 2 as section 4.

ANNOUNCEMENT

Mr. Warner announced a meeting of Appropriations Committee at 12:30 p.m., May 10, 1977, in Room 1003.

RESOLUTION

LEGISLATIVE RESOLUTION 84. Read and considered.

Messrs. Koch, Swigart and Rumery asked unanimous consent to add their names as co-introducers to LR 84. No objections. So ordered.

Mr. Chambers offered the following amendment to LR 84:

In first "whereas", strike "begin" and insert:

"authorize a study for the purpose of determining a method for achieving"

Strike "2." and "3."

The Chambers amendment was adopted with 27 ayes, 0 nays, and 22 not voting.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 46. Placed on Select File as amended.

E & R amendments to LB 46:

1. In the Murphy amendment, line 1, strike "to 3" and insert "and 2".

2. In section 2, line 16, strike the comma.

3. In the title, strike lines 3 and 4 and insert "provide for actions to determine the validity of acts held unconstitutional by the Attorney General; to provide for actions to force implementation of acts;".

LEGISLATIVE BILL 340. Placed on Select File as amended.
E & R amendment to LB 340:
1. In the title, strike line 4 and insert "cities and villages, particular classes; to".

(Signed) Samuel K. Cullan, Chairman

SPEAKER LUEDTKE PRESIDING

MOTION–Introduce Bill

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations (Request No. 895).

The motion prevailed with 31 ayes, 0 nays, and 18 present and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 547. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Hasebroock, 18th District; Cope, 36th District; Fowler, 27th District; Rumery, 42nd District; Savage, 10th District; Marsh, 29th District; Goodrich, 20th District.

A BILL FOR AN ACT to make an appropriation to the Department of Administrative Services; to reappropriate an unexpended balance; and to declare an emergency.

MOTION–Change Speaker's Order

Mr. Maresh moved to place LB 509 at the top of General File.

The motion prevailed with 30 ayes, 0 nays, and 19 present and not voting.

MOTION–Return LB 531 to Select File

Mr. Warner moved to return LB 531 to Select File for the specific amendment found in the Journal on page 1918.

The motion prevailed with 27 ayes, 1 nay, and 21 present and not voting.

SELECT FILE

LEGISLATIVE BILL 531. The Warner specific amendment found in the Journal on page 1918 was adopted with 25 ayes, 0 nays, and 24 present and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 543 to Select File

Mr. Warner moved to return LB 543 to Select File for the specific amendment found in the Journal on page 1927.

The motion prevailed with 28 ayes, 0 nays, and 21 present and not voting.

SELECT FILE

LEGISLATIVE BILL 543. The Warner specific amendment found in the Journal on page 1927 was adopted with 27 ayes, 0 nays, and 22 present and not voting.

Advanced to E & R for Engrossment.

SELECT FILE

LEGISLATIVE BILL 204. E & R amendments found in the Journal on page 1915 for the Seventy-Ninth Day were adopted.

Mr. Mills withdrew his amendments found in the Journal on page 1929.

Mr. Barnett offered the following amendment:

1. Insert three new sections to read:

"Sec. 29. It is the policy of this state that alcoholics and intoxicated persons may not be subjected to criminal prosecution because of their consumption of alcoholic beverages but rather should be afforded a continuum of treatment in order that they may lead normal lives as productive members of society.

Sec. 30. (1) No county, municipality, or other political subdivision may adopt or enforce a local law, ordinance, resolution, or rule having the force of law in contravention of the provisions of this act that includes drinking, being a common drunkard, or being found in an intoxicated condition as one of the elements of the offense giving rise to a criminal or civil penalty or sanction.

(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provision in subsection (1) of this section.

Sec. 31. (1) Nothing in this act shall affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages at stated times and places or by a particular class of persons.

(2) The fact that a person is intoxicated or incapacitated by alcohol shall not prevent such person from being arrested or prosecuted for the commission of any criminal act or conduct not enumerated in subsection (1) of this section.

(3) Nothing in this act shall be construed as a limitation upon the right of a police officer to make an otherwise legal arrest, even though the arrested person may be intoxicated or incapacitated by alcohol.".

2. Renumber subsequent sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 89.

Introduced by Barnett, 26th District.

WHEREAS, the system of correctional services for juveniles in Nebraska should offer the broadest possible range of alternatives in dealing with juvenile offenders; and

WHEREAS, some juvenile offenders may require specialized attention which is unavailable under our present system; and

WHEREAS, providing an intermediate correctional facility for juveniles previously classified as delinquent could be a valued addition to our system of corrections for juvenile offenders as well as providing juvenile courts with broader alternatives in sentencing.

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

1. That the Legislature's Judiciary Committee conduct an interim study to determine the need for, workability and feasability of establishing an intermediate juvenile corrections facilities.

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 90.

Introduced by Barnett, 26th District.

WHEREAS, laws specially developed to govern the lives of juveniles in Nebraska have been developed in a piecemeal fashion over the years; and

WHEREAS, at times such laws may be found to be in conflict; and

WHEREAS, a complete rewriting of juvenile laws could lend predictability and continuity to that part of our legal system dealing with juveniles.

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

1. That the Legislature's Judiciary Committee perform an interim study of the workability and feasibility of rewriting Nebraska juvenile laws and direct its attention to the preliminary redrafting of such laws.

2. That the Committee make a report of its findings together with its recommendations for change in the present juvenile law to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 91.

Introduced by DeCamp, 40th District.

WHEREAS, the jury system of trial is a cornerstone of our judicial process; and

WHEREAS, the method used for selecting juries often may be a major element in each trial; and

WHEREAS, present methods of jury selection are highly inefficient and costly to the counties of Nebraska.

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

1. That the Legislature's Judiciary Committee conduct an interim study of all laws, rules, and practices governing jury selection in the counties in an effort to determine more efficient methods of jury selection.

2. That the Committee make a report of its findings together with its recommendations for legislative action to the next session of the Legislature.

Referred to the Executive Board.

MOTION—Introduce Bill

Mr. Marvel moved the introduction of a new bill by the Executive Board. (Req. No. 892)

The motion prevailed with 34 ayes, 0 nays, and 15 present and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 548. By Executive Board: Marvel, 33rd District, Chairman; R. Lewis, 38th District; Luedtke, 28th District; Bereuter, 24th District; Nichol, 48th District; Stoney, 4th District; Mills, 44th District.

A BILL FOR AN ACT to amend sections 81-907, 81-909, 81-910, 81-911, and 81-912, Reissue Revised Statutes of Nebraska, 1943, and section 81-1118, Revised Statutes Supplement, 1976, relating to state administrative departments; to state legislative intent; to provide duties of the materiel administrator of the Department of Administrative Services as prescribed; to provide an operative date; and to repeal the original sections.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 257, 257A, 536, and 544.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 257, 257A, 536, and 544.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 3 Sec. 19 to place LB 547 and LB 548 directly on General File without action by the Reference Committee.

The motion prevailed with 32 ayes, 1 nays, and 16 present and not voting.

SELECT FILE

LEGISLATIVE BILL 204. The Barnett pending amendment found in this day's Journal was renewed.

Mr. Lamb 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 Barnett amendment lost with 21 ayes, 24 nays, and 4 present and not voting.

Laid over until Wednesday, May 11, 1977.

LEGISLATIVE BILL 347A. Advanced to E & R for Engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 92.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Rasmussen, 41st District; Lamb, 43rd District; Murphy, 17th District; F. Lewis, 45th District; Fitzgerald, 14th District; Brennan, 9th District.

WHEREAS, Legislative Bill 321 has been introduced for consideration by the Legislature; and

WHEREAS, Legislative Bill 321 provides a tax rebate for establishment of a job training program; and

WHEREAS, testimony at the public hearing on Legislative Bill 321 indicated strong interest among the citizens of the state in support of such a concept; and

WHEREAS, further study of the job training programs and implementation of a tax credit is required.

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

1. That the Business and Labor Committee conduct an interim study of the concepts presented by Legislative Bill 321.

2. That the results of such study be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 93.

Introduced by Education Committee: F. Lewis, 45th District, Chairman; George, 16th District; Fitzgerald, 14th District; Kahle, 37th District; Koch, 12th District; Kremer, 34th District; Lamb, 43rd District; Maxey, 46th District; Revenue Committee: Keyes, 3rd District, Chairman; Hefner, 19th District; Burrows, 30th District; Clark, 47th District; Dworak, 22nd District; Marvel, 33rd District; Newell, 13th District; Simon, 31st District.

WHEREAS, nearly two-thirds of all property tax revenue goes for the support of elementary and secondary education; and

WHEREAS, the State has been assuming more and more of the cost of education; and

WHEREAS, we need to continue addressing the question of the cost of education.

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

1. That a special committee be established to study the funding of Nebraska elementary and secondary education.

2. That the special committee be known as the "Education Funding Study Committee".

3. That the committee consist of the chairmen of the Education and Revenue Committees and six additional members; three from each of the respective committees, appointed by the chairman of the respective committee.

4. That the committee review the current methods of funding and the levels of funding for education.

5. That the committee study the effects of State Aid Funding.

6. That the committee report its findings along with recommended legislation to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 16 third grade students from Exeter, Nebraska; 52 eighth grade students and teacher from Fort Calhoun, Nebraska; 65 students from York High School; Barbara Hyde of Santa Ana, California and her mother, Mrs. Abbott of Lincoln, Nebraska; Toshiaki Shimbori, Staff News Commentator, Tokyo Broadcasting System from Tokyo, Japan, and escort-interpreter, Paul Tamura, U.S. Department of State; 14 students, teacher and sponsors from Cherry County District No. 5; 12 sophomores and senior students, teacher and sponsor from Greeley, Nebraska; 9 preschool children and 9 adults from St. Mark's Methodist Church, Lincoln, Nebraska.

RECESS

At 11:58 a.m., on a motion by Mr. Savage, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:36 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Swigart who was excused; Mr. Marvel who was excused until 2:30 p.m.; Messrs. Burrows, Hefner, Kremer, Lamb, R. Lewis, and Merz who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 532. E & R amendments found in the Journal on page 1739 for the Seventy-Fourth Day were adopted.

Mr. Warner renewed the Appropriations Committee amendments (1) and (2) found in the Journal on page 1744.

Amendment (1) was adopted with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Amendment (2) was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Warner renewed the Appropriation Committee amendments found in the Journal on page 1919 through 1921.

Mr. Warner asked unanimous consent to delete temporarily the paragraph on page 1920–Department of Economic Development dealing with the Indian Population Study. No objections. So ordered.

Mr. Warner moved the adoption of the amendment up to the Department of Education portion on page 1921 of the Journal.

The amendment was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Venditte asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. F. Lewis and Bereuter offered the following amendment to the Appropriations Committee amendment found in the Journal on the bottom of page 1921:

On line 4 and 8 of the amendment after "diagnostic services" insert "for preschool age children"

The amendment was adopted with 28 ayes, 1 nay, 18 present and not voting, and 2 excused and not voting.

The Warner Appropriation amendments starting with Department of Education on page 1921 through line 3 on page 1922 were adopted, as amended, with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

The remaining Warner Appropriation amendments found in the Journal on pages 1922 and 1923 were adopted with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 1810.

Mr. Merz 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 Dworak amendment was adopted with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Warner withdrew his pending committee amendment for the Indian Population Study found in the Journal on page 1920.

Mr. Warner renewed his amendment found in the Journal on page 1929.

The amendment was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LR 81 and LR 82.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 10, 1977, at 2:00 p.m., were the following bills: 257, 257A, 536, and 544.

(Signed) Barbara Jackson, Enrolling Clerk

UNANIMOUS CONSENT–Print Amendments to LB 52

Mr. Schmit asked unanimous consent to print the following amendments to LB 52 in the Journal. No objections. So ordered.

SCHMIT – DECAMP AMENDMENTS TO LB 52

1. Insert new sections 13, 14, 15, and 16 as follows:

"Sec. 13. That section 2-2102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2102. The State of Nebraska hereby designates the ~~Director of Agriculture~~ Agricultural Products Industrial Utilization Committee as the sole agent to represent the State of Nebraska in the administration of any funds made available under the provisions of the federal act specified in section 2-2101.

Sec. 14. That section 2-2103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2103. The ~~Director of Agriculture~~ Agricultural Products Industrial Utilization Committee, on behalf of the State of Nebraska, is authorized to enter into an agreement with the Secretary of Agriculture of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, to accept, administer, expend, and use in the State of Nebraska all or any part of the trust assets or any other funds made available under the provisions of the federal act specified in section 2-2101.

Sec. 15. That section 2-2104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2104. The ~~Director of Agriculture~~ Agricultural Products Industrial Utilization Committee, on behalf of the State of Nebraska, is specifically authorized to agree that:

(1) The State of Nebraska and the ~~Director of Agriculture~~ Agricultural Products Industrial Utilization Committee as its agent will abide by the determinations and apportionments of the Secretary of Agriculture of the United States provided for in the federal act specified in section 2-2101 and the payments made by the Secretary of Agriculture pursuant thereto;

(2) The returned assets of the Nebraska Rural Rehabilitation Corporation and the income therefrom will be used only for such of the rural rehabilitation purposes permissible under the charter of the Nebraska Rural Rehabilitation Corporation as may from time to time be agreed upon by the ~~Director of Agriculture~~ Agricultural (sic) Products Industrial Utilization Committee of Nebraska and the Secretary of Agriculture of the United States; and

(3) The Nebraska Rural Rehabilitation Corporation funds ~~may~~ shall be distributed to the Nebraska Grain Alcohol Plant Fund created by this act. ~~public colleges, universities or vocational or technical schools exclusively owned and controlled by the State of Nebraska or a governmental subdivision thereof. The agreement may provide for the qualifications of recipients to be benefited by the funds and for the method of their selection, but nothing in this section shall be construed to limit the director from agreeing to any other reasonable provisions in such agreement. For the administration of such a fund distribution program, the director shall appoint a State Advisory Committee to aid him in the selection of eligible applicants for financial aid from such funds. The state committee shall consist~~

~~of a lay representative from each of the three Nebraska congressional districts and one lay representative selected at large in the state who shall be a rancher or a farmer, a representative of the University of Nebraska, a representative of the State Department of Education, a representative of the state teachers colleges, and the Nebraska director of the Farmers Home Administration. As the terms of the members expire, the director shall, on or before July 1 of each year, appoint or reappoint a lay member of the commission for a term of four years to succeed the member whose term expires. No more than two such members shall be from the same major political party. The state committee may enlist the aid of each county Farmers Home Administration committee, or any other governmental organization in the receipt of applications and in their transmittal to the state committee. Administrative costs for the distribution of these funds shall not exceed five per cent of the book value of the entire fund and the administrative costs may include clerical and administrative services, ten dollars per diem and the actual and necessary expenses for the state committee members for attendance at state committee meetings on the same basis and subject to the same conditions as full time state employees.~~

The ~~Director of Agriculture~~ Agricultural Products Industrial Utilization Committee is further authorized and empowered, upon behalf of the State of Nebraska, to make such provisions as may be necessary to hold the United States and its Secretary of Agriculture free from liability by virtue of the transfer of the assets and income therefrom to him under sections 2-2101 to 2-2107.

Sec. 16. That section 2-2105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-2105. The ~~Director of Agriculture~~ Agricultural Products Industrial Utilization Committee is further authorized to enter into an agreement or agreements with the Secretary of Agriculture of the United States to use the assets and funds received under sections 2-2101 to 2-2107 to carry out the provisions of the Bankhead--Jones Farm Tenant Act, enacted by the Congress of the United States, and in accordance with the applicable provisions thereof.".

2. Renumber original sections 13 and 14 as sections 17 and 18.

UNANIMOUS CONSENT–Print Amendments to LB 533

Mr. Warner asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

(1) AMENDMENT TO COMMITTEE AMENDMENT TO LB 533
AS PRINTED ON PAGE 1924 OF THE JOURNAL

PURPOSE: To correct a typing error.

On the eleventh line down from the top of page 1924 of the Journal, strike "65,000" and insert "65,600".

(2) AMENDMENTS TO LB 533

PURPOSE: To increase UNO personal services limitation by 18,000 and the salary basis for 1978-79 by 16,500.

(1) On page 27, line 9, strike "13,683,761" and insert "13,701,761" and on line 10, strike "12,319,538" and insert "12,336,038".

(2) On page 27, after line 10, insert: There is included within the personal services limitation $18,000 for one additional faculty position in the Goodrich Program.

(3) COMMITTEE AMENDMENTS TO LB 533

PURPOSE: To add 100,000 General Funds and 68,815 Cash Funds to the Universtiy of Nebraska-Lincoln campus, Program 715, Institute of Agriculture and Natural Resources for the purpose of testing pseudorabies in swine.

(1) On page 24, line 6, strike "16,075,567" and insert "16,175,567"; on line 7, strike "947,060" and insert "1,015,875"; and on line 10, strike "24,452,831" and insert "24,621,646".

(2) On page 24, after line 10, insert: There is included in the above amount an additional 68,815 in Cash Fund authorization to allow the Animal Diagnostic Laboratory to charge a user fee for all diagnostic services provided through the Laboratory.

(3) On page 25, line 22, strike "18,020,459" and insert "18,114,644" and on line 23, strike "16,497,524" and insert "16,579,424".

(4) On page 26, line 14, strike "46,169,226" and insert "46,269,226"; on line 15, strike "15,513,123" and insert "15,581,938"; and on line 18, strike "72,041,923" and insert "72,210,738".

UNANIMOUS CONSENT–Print Amendments to LB 131

Mr. DeCamp asked unanimous consent to print the following amendments to LB 131 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 131

1. Strike the original bill and all amendments thereto except Koch amendment on page 1864 and insert the following:

"Section 1. The Nebraska Legislature hereby determines that ad valorem taxes are important to the effectiveness of all levels of local government. There are many and varied districts levying ad valorem taxes which overlap assessment districts. The effective administration of ad valorem taxes necessitates equality of assessment in various counties which are the assessment districts. The purpose of this act is to achieve equalization between the several counties while not causing undue fluctuations in valuation and taxes.

Sec. 2. (1) Each county which has not started or implemented a revaluation plan shall revalue or implement the revaluation of all lands and improvements in such county on or before January 1, 1978, and each year thereafter.

(2) Each county assessor shall, on or before July 1, 1977, and each year thereafter on that date, notify the county board of such county in writing of the assessor's plans for determining the county's values for the coming assessment year. Such notification shall contain such information as may be required by rules and regulations of the Tax Commissioner which shall include information regarding the level of values for all classes of taxable property.

Sec. 3. Each county board shall review the statement of the county assessor and shall on or before August 15, 1977, and each year thereafter on that date report to the Tax Commissioner transmitting a copy of the assessor's notification of plans as required by section 2 of this act, the opinion of the county board as to those recommendations, and a report as to the budget of the assessor's office to accomplish the duties of the assessor.

Sec. 4. The Tax Commissioner on or before November 1, 1977, and each year thereafter on or before that date shall cause to be analyzed the report from each county and shall notify each county board and assessor of the opinion of the Tax commissioner as to what must be done for the coming year's valuation for that county to maintain the property level of values.

Sec. 5. The Tax Commissioner shall transmit copies of his actions required by section 4 of this act to each member of the State Board of Equalization and Assessment. Such board shall at its next meeting held pursuant to section 77-505, Reissue Revised Statutes of Nebraska, 1943, consider such information, along with a report of the Tax Commissioner of the extent of compliance with his suggestions and such other information as may be relevant.

Sec. 6. The Tax Commissioner shall notify the State Treasurer of each county which does not revalue property pursuant to section 2 of this act. If a county does not revalue prior to January 2, 1978, ninety per cent of the money to which such county would be entitled under the Personal Property Tax Relief Fund as provided in section 77-202.30, Revised Statutes Supplement, 1976, shall be distributed to such county and ten per cent shall be forfeited to the state. If a county does not revalue its lands and improvements prior to January 2, 1979, eighty per cent of the money to which such county would be entitled under the Personal Property Tax Relief Fund shall be distributed to the county and twenty per cent of such money shall be forfeited to the state. If a county does not revalue its lands and improvements prior to January 2, 1980, and for each year after such date for which a revaluation has not been completed, fifty per cent of the money to which such county would be entitled under the Personal Property Tax Relief Fund shall be distributed to the county and fifty per cent of such money shall be forfeited to the state.

Sec. 7. Every political subdivision authorized to levy a tax shall adjust its budget for the upcoming fiscal year so as not to exceed an increase of more than seven per cent of the previous year's budget funded by ad valorem taxes or the average increase by percentage for the three such preceding budgets, whichever is greater. When determining the budget to be funded by ad valorem taxes pursuant to this section, every such political subdivision (1) may increase such budget limit otherwise established pursuant to this section by the amount of receipts lost or to be lost from any state sources and (2) shall reduce such budget limitation established pursuant to this section by the amount of increased receipts from state sources.

Sec. 8. (1) If the governing body of any political subdivision authorized to levy a tax determines that a budget funded from ad valorem taxes higher than is permitted by section 7 of this act is needed, it shall, after completing the budget process required by statute, hold a public meeting to receive input from the public regarding the advisability of exceeding the limits prescribed by section 7 of this act. Such public meeting shall be advertised and conducted in the same manner as public hearings required for the adoption of the budget.

(2) The governing body of any political subdivision may adjust its budget in accordance with the information presented to the meeting required by subsection (1) of this section. In making such adjustments, the governing body may exceed the limits prescribed by section 7 of this act.

(3) The hearing and decisions required by this section shall be held during the month of August in the year in which the budget is to be adopted.

Sec. 9. 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. 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.".

2. In the title as amended, strike lines 2 to 7 and insert:

"FOR AN ACT relating to taxation; to require reappraisal of all land and improvements as prescribed; to provide penalties for noncompliance; to limit budget increases except as prescribed; to provide severability; and to declare an emergency.".

RESOLUTION

LEGISLATIVE RESOLUTION 94.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Fitzgerald, 14th District; Rasmussen, 41st District; F. Lewis, 45th District; Brennan, 9th District.

WHEREAS, the use of polygraph machines in law enforcement has historically been of great value; and

WHEREAS, the use of polygraph machines in commercial situations has increased considerably in recent years; and

WHEREAS, there exists a potential for abuse and unwarranted invasion of privacy by unprofessionally administered polygraph tests; and

WHEREAS, there are legitimate commercial and business interests that can be well served by professional, licensed polygraph operators, and the use of polygraph machines; and

WHEREAS, the use of polygraph machines as a valuable tool of law enforcement warrants study.

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

1. That the Business and Labor Committee conduct an interim study of the current use of polygraph tests by the private and public sector and determine the need for the regulation and licensure of polygraph operators.

2. That the results of such study and determination be reported to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

MR. F. LEWIS PRESIDING

LEGISLATIVE BILL 532. Considered.

Mr. Koch renewed his pending amendment found in the Journal on page 1729.

The amendment lost with 14 ayes, 14 nays, 19 present and not voting, and 2 excused and not voting.

The Koch amendment found in the Journal on page 1571 was withdrawn.

Mr. Koch renewed his pending amendment found in the Journal on page 1650.

The amendment lost with 13 ayes, 14 nays, 20 present and not voting, and 2 excused and not voting.

MOTIONS—Introduce Bills

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 893)

The motion prevailed with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

Mr. Warner moved the introduction of a new bill by the Committee on Appropriations. (Req. No. 894)

The motion prevailed with 35 ayes, 1 nay, 12 present and not voting, and 2 excused and not voting.

BILLS ON FIRST READING

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

LEGISLATIVE BILL 549. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Fowler, 27th District; Rumery, 42nd District; Hasebroock, 18th District; Cope, 36th District; Goodrich, 20th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to make appropriations for capital construction projects; and to declare an emergency.

LEGISLATIVE BILL 550. By Appropriations Committee: Warner, 25th District, Chairman; Bereuter, 24th District; Fowler, 27th District; Rumery, 42nd District; Hasebroock, 18th District; Cope, 36th District; Goodrich, 20th District; Marsh, 29th District; Savage, 10th District.

A BILL FOR AN ACT to make appropriations for the Legislative Council for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

MOTION–Suspend Rules

Mr. Marvel moved to suspend the rules, Rule 3, Sec. 19, and place LB 549 and LB 550 on General File without action of the Reference Committee.

The motion prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 6, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 91, 232, 338, 349, and 510.

These bills were signed by me on May 6, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

ANNOUNCEMENT

Mr. Kremer announced the Public Works Committee will meet under the North Balcony immediately upon adjournment today.

RESOLUTION

LEGISLATIVE RESOLUTION 95.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; Moylan, 6th District; R. Lewis, 38th District; Kelly, 35th District; Merz, 1st District; Boughn, 21st District.

WHEREAS: Western Nebraska was hit by a severe snow and ice storm March 10, 1977, and

WHEREAS: the Nebraska Public Power District and several Western Rural Electric systems suffered millions of dollars in storm damage which directly affects the state's agriculture, and

WHEREAS: the National Disaster Agency is established to provide assistance to areas stricken by such storms in order to alleviate the financial impact upon the state and its citizens, and

WHEREAS: such agency provided assistance for Eastern Nebraska systems after an identical storm in 1976, thereby relieving the impact upon the farmers and the rural electric consumers, and

WHEREAS: if Nebraska Public Power District and the Western rural systems stricken by the storm must make additional investments of several million dollars to repair the storm damage, it will have an adverse impact upon the economy of the State of Nebraska.

WHEREAS: Governor J. J. Exon has requested that Nebraska be declared a disaster area so that assistance from the Federal Disaster Agency can be obtained, and

WHEREAS: the stricken systems in Nebraska are eligible for this assistance under Title 42, U.S. Code, Section 5172, and

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

1. That we urge the Carter Administration to immediately support our request for disaster aid due to the storm.

2. That copies of this resolution be forwarded to President Carter and the Nebraska Congressional Delegation for their information and action.

Laid over.

SPEAKER LUEDTKE PRESIDING

UNANIMOUS CONSENT–Member Excused

Mr. Marvel asked unanimous consent to be excused at 4:00 p.m. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 532. Mr. Koch renewed his pending amendment found in the Journal on page 1547.

Mr. Koch moved for a Call of the House. The motion prevailed with 22 ayes, 6 nays, and 21 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 22:

Boughn	Brennan	Carsten	Chambers	DeCamp
Fitzgerald	Goodrich	Kahle	Koch	Labedz
F. Lewis	Luedtke	Marsh	Maxey	Mills
Murphy	Newell	Nichol	Rasmussen	Reutzel
Savage	Simon			

Voting in the negative, 22:

Bereuter	Burrows	Clark	Cope	Cullan
Duis	Dworak	Fowler	Hasebroock	Hefner
Kelly	Keyes	Kremer	Lamb	R. Lewis
Maresh	Merz	Moylan	Rumery	Schmit
Stoney	Warner			

Present and not voting, 2:

Barnett	George

Excused and not voting, 3:

Marvel	Swigart	Venditte

The Koch amendment lost with 22 ayes, 22 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Dworak renewed his pending amendment found in the Journal on page 1746.

Mr. George 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. Dworak requested a record vote.

Voting in the affirmative, 8:

Cope	Dworak	Fitzgerald	Kahle	Moylan
Rumery	Simon	Stoney		

Voting in the negative, 32:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Clark	Duis	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Kremer	Labedz	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Maxey	Merz	Mills
Newell	Nichol	Rasmussen	Reutzel	Savage
Schmit	Warner			

Present and not voting, 6:

Carsten	Cullan	DeCamp	Kelly	Lamb
Murphy				

Excused and not voting, 3:

Marvel	Swigart	Venditte

The amendment lost with 8 ayes, 32 nays, 6 present and not voting, and 3 excused and not voting.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet today at adjournment in Room 1003.

UNANIMOUS CONSENT – Print Amendments to LB 533

Mr. Schmit asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533 (1)

PURPOSE: To reduce the Cash Fund appropriation to Central Administration, Improvement -- University of Nebraska-Lincoln, Law College in the amount of $175,000.

(1) On page 18, line 2, strike "3,838,261" and insert "3,663,261" and on line 4, strike "15,346,213" and insert "15,171,213".
(2) On page 18, line 6, strike "1,510,551" and insert "1,335,551".
(3) On page 18, strike line 17 and renumber accordingly.
(4) On page 20, line 8, strike "11,360,914" and insert "11,185,914" and on line 9, strike "9,854,280" and insert "9,699,415".
(5) On page 21, line 21, strike "4,337,028" and insert "4,162,028" and on line 24, strike "115,957,216" and insert "115,782,216".

AMENDMENT TO LB 533 (2)

PURPOSE: To reduce the General Fund appropriation to the Areas of Excellence in Architecture Program by $90,877.

(1) On page 22, line 3, strike "25,982,512" and insert "25,891,635" and on line 7, strike "43,451,620" and insert "43,360,743".
(2) On page 22, line 8, strike "275,592" and insert "184,715".
(3) On page 22, line 15, strike "141,234" and insert "50,357".
(4) On page 26, line 14, strike "46,169,226" and insert "46,078,349" and on line 18, strike "72,041,923" and insert "71,951,046".

ADJOURNMENT

At 4:35 p.m., on a motion by Mr. Savage, the Legislature adjourned until 9:00 a.m., Wednesday, May 11, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FIRST DAY–MAY 11, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIRST DAY—MAY 11, 1977

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 11, 1977

Pursuant to adjournment, the Legislature met at 9:01 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 Mr. Murphy who was excused; Messrs. Brennan, Chambers and Koch who were excused until they arrive; and Mr. Newell who was absent until 9:15 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eightieth Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 347A, 518, and 531.

(Signed) Samuel K. Cullan, Chairman

MOTION—Return LB 524 to Select File

Mr. DeCamp moved to return LB 524 to Select File for the following specific amendment:

1. On page 1, line 1 after "No", insert "criminal".

The motion prevailed with 32 ayes, 0 nays, 12 present and not voting, 1 absent and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 524. The DeCamp specific amendment found in this day's Journal was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules, Rule 6, Sec. 6b, to consider LB 522 on Final Reading.

The motion prevailed with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 522. With Emergency.

A BILL FOR AN ACT to amend sections 3 to 10, Legislative Bill 690, Eighty-fourth Legislature, Second Session, 1976, sections 34, 61, 69, and 73, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976, sections 2, 10, and 17, Legislative Bill 691, Eighty-fourth Legislature, Second Session, 1976, with appropriations reduced by line-item vetoes, and sections 28 and 39, Legislative Bill 984, Eighty-fourth Legislature, Second Session, 1976, relating to appropriations; to increase and shift appropriations; to make 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, 45:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Keyes
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Mills	Moylan	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Excused and not voting, 4:

Brennan	Chambers	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.

GENERAL FILE

LEGISLATIVE BILL 346. Title read. Considered.

Standing Committee amendment found in the Journal on page 1749 for the Seventy-Fourth Day was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. Mr. F. Lewis renewed his pending amendment found in the Journal on page 1547 for the Sixty-Sixth Day.

Mrs. Labedz asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. F. Lewis moved for a Call of the House. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. F. Lewis requested a record vote.

Voting in the affirmative, 18:

Boughn	Brennan	DeCamp	Duis	Fitzgerald
George	Hefner	Keyes	Lamb	F. Lewis
Maresh	Merz	Moylan	Nichol	Schmit
Simon	Swigart	Venditte		

Voting in the negative, 18:

Barnett	Bereuter	Carsten	Cope	Cullan
Dworak	Fowler	Hasebroock	Kahle	R. Lewis
Marsh	Marvel	Mills	Newell	Rumery
Savage	Stoney	Warner		

Present and not voting, 9:

Burrows	Clark	Goodrich	Kelly	Kremer
Luedtke	Maxey	Rasmussen	Reutzel	

Excused and not voting, 4:

Chambers	Koch	Labedz	Murphy

The F. Lewis amendment lost with 18 ayes, 18 nays, 9 present and not voting, and 4 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 24 ayes, 1 nay,and 24 not voting.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 1551 to pages 2 and 3 of the bill.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion lost with 22 ayes, 6 nays, and 21 not voting.

Mr. F. Lewis requested a record vote on his amendment.

Voting in the affirmative, 10:

Clark	DeCamp	Duis	Fitzgerald	George
Hefner	Lamb	F. Lewis	Nichol	Rasmussen

Voting in the negative, 18:

Barnett	Bereuter	Burrows	Carsten	Cope
Cullan	Fowler	Hasebroock	Kahle	Labedz
Maresh	Marsh	Mills	Newell	Reutzel
Rumery	Stoney	Warner		

Present and not voting, 18:

Boughn	Brennan	Dworak	Goodrich	Kelly
Keyes	Kremer	R. Lewis	Luedtke	Marvel
Maxey	Merz	Moylan	Savage	Schmit
Simon	Swigart	Venditte		

Excused and not voting, 3:

Chambers	Koch	Murphy

The amendment lost with 10 ayes, 18 nays, 18 present and not voting, and 3 excused and not voting.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 1551 to pages 21 and 22 of the bill.

Amendment pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 522.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB522 and LR 79.

RESOLUTION

LEGISLATIVE RESOLUTION 96.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Schmit, 23rd District; Swigart, 8th District; Labedz, 5th District; Mills, 44th District; Murphy, 17th District.

WHEREAS, in 1945 the McCarran-Ferguson Act, 15 U.S.C. ss. 1011 to 1015, inclusive, was enacted into law; and

WHEREAS, in that Act it is stated, "Congress declares that the continued regulation and taxation by the several states of the business of insurance is in the public interest"; and

WHEREAS, in the course of such regulation, the several states have encouraged and required continued improvements in insurance coverages and the provision of insurance at reasonable rates; and

WHEREAS, the several states have continually reviewed, experimented with, and altered various approaches to regulation in an effort to assure the public of the availability of insurance at the lowest practicable cost; and

WHEREAS, the business of insurance has developed a competitive structure which includes a wide variety of organizations and many small businesses providing policies and services directly to the public; and

WHEREAS, the public has benefited from the competitive structure of the insurance business and from the regulation of the business by the several states; and

WHEREAS, federal regulation has repeatedly been shown not to be a panacea; and

WHEREAS, it is clear that the establishment of federal regulation increases the cost of government and often increases the cost of products and services to the consumer without providing offsetting benefits to the public; and

WHEREAS, federal regulation often adds confusion and delay; and

WHEREAS, there has been no showing that the several states cannot continue to provide effective regulation of the insurance business; and

WHEREAS, there has been no showing that federal regulation of the insurance business, by applying federal antitrust laws and limiting state regulation, will have a salutory effect upon the business or otherwise benefit the public; and

WHEREAS, two or more insurance companies often pool their resources and coordinate their actions under state regulation in order to provide effective insurance coverage of certain risks, to provide reasonable prices and efficient services for the public, and to make available innovative coverages and services; and

WHEREAS, officials of the Federal Government have publicly, although unofficially, recommended amendment of the McCarran-Ferguson Act so as to limit state regulation of the business of insurance.

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

1. That the Legislature hereby memorializes the Congress of the United States to reject any proposed legislation to amend the McCarran-Ferguson Act by providing for federal regulation and limiting state regulation of the insurance business.

2. That copies of this resolution be prepared and transmitted by the legislative counsil to the Vice President as presiding officer of the Senate, to the Speaker of the House of Representatives, and to all members of the Nebraska congressional delegation.

3. That this resolution shall become effective upon passage and approval.

Laid over.

SELECT FILE

LEGISLATIVE BILL 532. Mr. F. Lewis renewed his pending amendment found in the Journal on page 1551 to pages 21 and 22 of the bill.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The F. Lewis amendment lost with 15 ayes, 16 nays, 15 present and not voting, and 3 excused and not voting.

Mr. R. Lewis renewed his pending amendment found in the Journal on page 1748.

Mr. Cope 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 R. Lewis amendment was adopted with 26 ayes, 12 nays, 8 present and not voting, and 3 excused and not voting.

VISITOR

Mr. Barnett introduced Mr. Don Newcombe, former pitcher for the Brooklyn Dodgers, who is in Lincoln to speak before the Alcoholism Treatment Committee program. Mr. Newcombe spoke to the members briefly.

SELECT FILE

LEGISLATIVE BILL 532. Mrs. Labedz renewed her pending amendment found in the Journal on page 1747.

Messrs. Maresh and Moylan asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Rasmussen asked unanimous consent to be excused until 2:00 p.m. No objections. So ordered.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 6 nays, and 28 not voting.

Mrs. Labedz moved for a Call of the House. The motion prevailed with 17 ayes, 10 nays, and 22 not voting.

Mrs. Labedz requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Boughn	Brennan	Chambers	Cullan
DeCamp	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kremer	Labedz	F. Lewis	Luedtke
Maxey	Merz	Newell	Nichol	Reutzel
Savage	Schmit	Swigart	Venditte	

Voting in the negative, 16:

Burrows	Carsten	Cope	Duis	Dworak
Fowler	Kahle	Keyes	Lamb	R. Lewis
Marvel	Mills	Rumery	Simon	Stoney
Warner				

Present and not voting, 4:

Bereuter	Clark	Kelly	Marsh

Excused and not voting, 5:

Koch	Maresh	Moylan	Murphy	Rasmussen

The amendment lost with 24 ayes, 16 nays, 4 present and not voting, and 5 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 11, 1977, at 11:00 a.m., was the following bill: 522.

(Signed) Barbara Jackson, Enrolling Clerk

ANNOUNCEMENT

Mr. Warner announced there will be a public hearing to receive testimony on the proposed use of Revenue Sharing Trust Funds to be held at 9:00 A.M., May 21, 1977 in Room 1003, and on May 26, 1977 at 1:00 P.M., in Room 1003 of the State Capitol Building.

UNANIMOUS CONSENT—Print Amendment to LB 549

Mr. F. Lewis asked unanimous consent to print the following amendment to LB 549 in the Journal. No objections. So ordered.

AMENDMENT TO LB 549

PURPOSE: To remove authorization to construct a tractor test facility at the University of Nebraska-Lincoln.

On page 19, strike section 46, lines 2 through 13, and renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 97.

Introduced by Bereuter, 24th District.

WHEREAS, our criminal justice system mandates penal detention of convicted offenders; and

WHEREAS, successful attainment of the goals of penal detention can result only when those persons so detained are dealt with in fundamental fairness; and

WHEREAS, an essential element of fairness in a system of detention is certainty about the time when any given sentence has been fully served and the offender then entitled to release; and

WHEREAS, Nebraska law provides a system of indeterminant sentencing for criminal offenses which precludes many convicted offenders from having exact knowledge concerning their date of release from detention; and

WHEREAS, alternatives to indeterminant sentencing, such as determinant sentencing, do exist; and

WHEREAS, adoption of any alternative form of sentencing should be considered only with knowledge of the effects such alternative would have on Nebraska criminal law and procedures.

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

1. That the Legislature's Judiciary Committee perform an interim study and evaluation of Nebraska law and procedures relating to sentencing to determine the workability and feasibility of determinant sentencing as an alternative to the present system.

2. That the committee may spend sums necessary to conduct such study with thoroughness.

3. That the committee make a report of its findings together with any recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 98.

Introduced by Venditte, 7th District.

WHEREAS, on May 10, 1977 the Legislature adopted Legislative Resolution 81.

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

1. That the Agriculture and Environment Committee conduct an interim study of the conservation of energy in the state.

2. That the results of such study be reported to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 532. Mr. Barnett withdrew his pending amendment found in the Journal on page 1768.

Messrs. DeCamp and Schmit offered the following amendment:

Amendment to LB 532

On page 22, after line 25, insert: "No funds received or expended by this agency or funds provided as state aid to any political subdivision under this section shall be utilized for billboard or sign removal.

SPEAKER LUEDTKE PRESIDING

DeCamp-Schmit amendment pending.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in room 2102 at 4:30 p.m. today.

UNANIMOUS CONSENT – Print Amendment to LB 533

Mr. Nichol asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To increase the appropriation for Aid to Technical Community Colleges to $14,400,000.

1. On page 29, lines 18, 19, 22 and 23 strike "13,582,667" and insert "14,400,000".

VISITORS

The President introduced 20 fourth grade students and teacher from Columbus, Nebraska; 16 students and teacher from District 118, Saunders Co., Rock Creek Precinct; 22 second grade students and teachers from McPhee School, Lincoln; 9 students and teacher from Blair, Nebraska; 16 students and teacher from Seward Jr. High; 14 students and teacher from Our Redeemer Lutheran, Staplehurst; 50 students and teacher from Roseland, Nebraska; and Brenda Mussman from Tobias, and Deb Lee who was a former page.

RECESS

At 12:02 p.m., on a motion by Mr. Savage, 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. Brennan and Murphy who were excused; Mrs. Labedz, Messrs. F. Lewis, Marvel, Moylan, and Rasmussen who were excused until they arrive.

RESOLUTION

LEGISLATIVE RESOLUTION 95. Read and considered.

LR 95 was adopted with 26 ayes, 0 nays, and 23 not voting.

UNANIMOUS CONSENT—Member Excused

Mr. Dworak asked unanimous consent to be excused at 2:30 p.m. for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 532. Messrs. DeCamp and Schmit renewed their pending amendment found in this day's Journal.

Mr. Warner offered the following amendment to the DeCamp–Schmit amendment:

To amend the Schmit–DeCamp amendment to LB 532 by adding the following after "removal" on the last line:

", pending the enactment of Legislative Bill 534, 1977 Legislative Session"

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 5 nays, and 26 not voting.

The Warner amendment was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Mr. Bereuter requested a record vote on the DeCamp–Schmit amendment, as amended.

Voting in the affirmative, 33:

Barnett	Bereuter	Boughn	Burrows	Carsten
Cope	Cullan	DeCamp	Dworak	Fitzgerald
George	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Mills	Rasmussen	Rumery	Savage	Schmit
Simon	Stoney	Warner		

Voting in negative, 1:

Newell

Present and not voting, 10:

Chambers	Clark	Duis	Fowler	Goodrich
Kelly	Nichol	Reutzel	Swigart	Venditte

Excused and not voting, 5:

Brennan	F. Lewis	Marvel	Moylan	Murphy

The amendment was adopted, as amended, with 33 ayes, 1 nay, 10 present and not voting, and 5 excused and not voting.

Mr. Rasmussen moved the adoption of the following Koch amendment:

AMENDMENT TO LB 532

1. On page 25, after line 23 insert the following:
"The Legislature shall appropriate from the General Fund to the Nebraska Veterans' Aid Fund the sum of one million dollars in order to increase such fund to eleven million dollars."; line 26, strike "254,267" and insert 1,254,267".
2. On page 26, line 1 strike "411,467" and insert "1,411,467".

Mr. Koch moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Koch requested a roll call vote.

Voting in the affirmative, 19:

Barnett	Boughn	Burrows	Cullan	Duis
Fitzgerald	George	Goodrich	Kelly	Keyes
Koch	Labedz	Maresh	Marvel	Maxey
Nichol	Rasmussen	Schmit	Venditte	

Voting in the negative, 19:

Carsten	Chambers	Clark	Cope	DeCamp
Dworak	Fowler	Hasebroock	Hefner	Kremer
Lamb	R. Lewis	Merz	Mills	Reutzel
Rumery	Stoney	Swigart	Warner	

Present and not voting, 7:

Bereuter	Kahle	Luedtke	Marsh	Newell
Savage	Simon			

Excused and not voting, 4:

Brennan	F. Lewis	Moylan	Murphy

The Koch amendment lost with 19 ayes, 19 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 24 ayes, 2 nays, and 23 not voting.

Mr. Schmit offered the following amendment:

1. On page 56, line 21, change "329,164" to "265,414,"; on line 22, change "294,746" to "239,311".
2. On page 62, line 24, change "287,954" to "232,205"; on line 26, change "672,954" to "617,206".
3. On page 63, line 9, change "287,954" to "232,205"; on line 11, change "672,954" to "617,206".

Mr. Stoney moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 0 nays, and 31 not voting.

The Schmit amendment lost with 18 ayes, 14 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Keyes offered the following amendment:
Purpose: To remove the Weed Area Supervisor positions and associated costs from the Bureau of Plant Industry, Department of Agriculture.
On page 6, line 17, strike "318,571" and insert "239,794";
On page 6, line 20, strike "568,929" and insert "490,152";
On page 6, line 22, strike "398,464" and insert "344,483";
On page 6, line 23, strike "355,307" and insert "308,093".
On page 6, line 23, insert after the period:
"The amounts shown above do not include funds for personal services and expenses associated with the Weed Area Supervisor positions."
On page 9, line 5, strike "2,294,054" and insert "2,215,277";
On page 9, line 8, strike "4,846,131" and insert "4,767,354".

The amendment lost with 14 ayes, 15 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Lamb offered the following amendment:

AMENDMENT TO LB 532

Purpose: These amendments eliminate the funding for all net increases in full-time equivalent staff positions funded by General or Federal Funds in LB 532. The staff positions eliminated include (1) new positions not in the 1976-77 budget, and (2) new positions funded with Federal Funds.
The total amount of funds are $433,514 including $301,689 General Funds. The total number of full-time equivalent positions is 33.25.

1. On page 21, line 5, strike "3,645,733" and insert "3,635,030"; in line 6 strike "6,034,400" and insert "6,002,291"; and in line 7 strike "9,680,133" and insert "9,637,321".

2. On page 22, line 21, strike "50,521,572" and insert "50,510,869"; in line 23 strike "83,859,122" and insert "83,827,013"; and in line 24 strike "149,875,494" and insert "149,832,682".

3. On page 38, line 11, strike "741,789" and insert "708,632"; and in line 14 strike "920,690" and insert "887,533".

4. On page 41, line 9, strike "14,674,072" and insert "14,640,915"; and in line 13, strike "18,231,926" and insert "18,198,769".

5. On page 26, lines 17 and 18, strike "810,002" and insert "682,444".

6. On page 27, line 25, strike "835,335" and insert "707,777"; and in line 27, strike "909,383" and insert "781,825".

7. On page 31, line 16, strike "107,116" and insert "101,116"; in line 19 strike "4,854,079" and insert "4,848,079"; and strike lines 24 to 26.

8. On page 33, line 7, strike "4,412,718" and insert "4,406,718"; and in line 10, strike "12,417,042" and insert "12,411,042".

9. On page 10, line 1, strike "4,671,692" and insert "4,621,692"; and in line 2 strike "5,808,714" and insert "5,758,714"; on page 11, line 9, strike "8,614,909" and insert "8,564,909"; and in line 10, strike "12,525,799" and insert "12,475,799".

10. On page 35, lines 17 and 18, strike "309,197" and insert "293,697"; and on page 36, lines 1 and 2, strike "602,559" and insert "587,059".

11. On page 36, line 21, strike "109,839" and insert "91,686"; in line 23 strike "174,098" and insert "155,945"; on page 37, line 2, strike "109,839" and insert "91,686"; and on page 37, line 4, strike "174,098" and insert "155,945".

12. On page 44, lines 15 and 16, strike "207,489" and insert "199,278"; on page 45, line 2, strike "483,593" and insert "475,034"; on page 45, line 5, strike "576,776" and insert "568,217"; in line 10, strike "159,383" and insert "154,837"; in line 12, strike "164,383" and insert "159,837"; on page 46, line 2, strike "962,155" and insert "940,839"; and on page 46, line 5, strike "1,345,954" and insert "1,324,638".

13. On page 51, lines 17 and 18, strike "1,228,162" and insert "1,208,762"; in line 24, strike "3,058,303" and insert "3,038,903"; and on page 52, line 1, strike "15,799,374" and insert "15,779,974".

14. On page 52, lines 6 and 14, strike "371,975" and insert "350,185"; and in lines 8 and 16, strike "423,386" and insert "401,596".

15. On page 53, line 26, strike "249,716" and insert "200,000"; in line 27 strike "437,361" and insert "387,645"; on page 55, line 4, strike "3,621,317" and insert "3,571,601"; and on page 55, line 5, strike "3,863,962" and insert "3,814,246".

16. On page 60, line 5, strike "289,664" and insert "276,399"; in line 7 strike "308,014" and insert

"294,749"; in line 23, strike "390,207" and insert "376,942"; and in line 26, strike "662,631" and insert "649,366".

17. On page 63, lines 25 and 26, strike "49,578" and insert "34,731"; on page 67, line 25, strike "395,288" and insert "380,441"; and on page 67, line 27, strike "699,578" and insert "684,731".

18. Insert a new section to read:

"Sec. 57. Each affected agency's personal service limitations shall be decreased by an amount sufficient to reflect the decrease in staff positions resulting from the adoption of these amendments.".

19. Renumber original sections 57 and 58 as sections 58 and 59.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 13 ayes, 15 nays, and 21 not voting.

Mr. Hasebroock asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Schmit asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Keyes offered the following amendment to the Lamb amendment:

Amend Lamb amendment to amend LB 532 on pg. 36 line 19 strike the word "Women" and insert the word "Person"

The Chair ruled the Keyes amendment out of order.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?"

Mrs. Marsh moved for a Call of the House. The motion prevailed with 15 ayes, 5 nays, and 29 not voting.

The motion to close debate prevailed with 25 ayes, 9 nays, and 15 not voting.

Mr. Lamb requested a roll call vote.

Voting in the affirmative, 16:

Boughn	Burrows	Clark	DeCamp	Fitzgerald
George	Hefner	Kelly	Keyes	Lamb
F. Lewis	Maresh	Merz	Nichol	Rasmussen
Reutzel				

Voting in the negative, 23:

Barnett	Bereuter	Carsten	Cope	Cullan
Duis	Fowler	Goodrich	Kahle	Koch
Kremer	R. Lewis	Luedtke	Marsh	Marvel
Mills	Rumery	Savage	Simon	Stoney
Swigart	Venditte	Warner		

Present and not voting, 4:

Chambers	Labedz	Maxey	Newell

Excused and not voting, 6:

Brennan	Dworak	Hasebroock	Moylan	Murphy
Schmit				

The Lamb amendment lost with 16 ayes, 23 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Keyes moved the Call be raised. The motion prevailed with 20 ayes, 3 nays, and 26 not voting.

Mr. Kelly offered the following amendment:
On page 4, after line 5, insert "Cash Fund expenditures shall not be limited to the amount shown;"
On Page 4, after line 18, insert "Cash Fund expenditures shall not be limited to the amount shown."

AMENDMENT TO COMMITTEE AMENDMENTS 11 TO LB 532
On page 1, on line 9, after "aircraft" insert "in service to other state agencies."; on line 10, strike "the operation of such aircraft", insert "said operations."

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Carsten offered the following amendment:
Amend Section 3, page 2 in Line 16, by striking 3,499,173 and inserting 3,853,353, Line 17, by striking 3,218,774 and inserting 3,572,954.

The amendment was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Mr. Burrows offered the following amendment:
On page 25 line 18 and 26 strike "254,267" and insert "314,267"; in line 20 strike "411,467" and insert "471,467".
After line 20 add the following:
"There is included in the amounts shown $60,000 general funds to be utilized in the Veterans Aid Income Fund for aid for FY 1977-78. The $60,000 shall not be included in any future budget requests." On page 26, on line 1 strike "411,467" and insert "471,467".

The amendment lost with 10 ayes, 16 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Marsh moved to advance LB 532 to E & R Final.

Mr. Warner moved for a Call of the House. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

Advanced to E & R for Engrossment with 26 ayes, 5 nays, 12 present and not voting, and 6 excused and not voting.

Mr. Swigart moved the Call be raised. The motion prevailed with 13 ayes, 2 nays, and 34 not voting.

Messrs. R. Lewis, Mills, and Fowler asked unanimous consent to be excused for a short time. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 346. Placed on Select File as amended.
E & R amendment to LB 346:
1. On page 2, line 3, insert a comma after "shall"; and in lines 11 and 19 strike "by" and insert "under the provisions of".

(Signed) Samuel K. Cullan, Chairman

SPEAKER LUEDTKE PRESIDING

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 340. E & R amendment found in the Journal on page 1943 for the Eightieth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 539. E & R amendments found in the Journal on page 1739 for the Seventy-Fourth Day were adopted.

Mr. Warner renewed his pending committee amendments found in the Journal on page 1746.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Duis withdrew his pending amendment found in the Journal on page 1916.

Mr. Duis withdrew his motion to reconsider action on the Duis amendment found in the Journal on page 1621.

Mr. Warner renewed the pending appropriation amendments found in the Journal on page 1925.

Mr. Warner asked unanimous consent to strike all reference to the Indian Population Study beginning with line 6 on page 1926 of the Journal through line 13. No objections. So ordered.

The amendments, as modified, were adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Koch offered the following amendment:
LB 539 AMENDMENTS
On Page 25, Line 17, strike "up" and insert "five".
In Line 20 before the comma, insert "in an ongoing educational program."
In Line 20 insert a new Section (d), "The education program shall be available to a core population which

shall mean those children who have received the diagnostic services of the Center and, as agreed upon by the local school district of residence, need continued educational services at the Center. Such services including residential care, if necessary, may be provided for the remainder of the current school year unless the Center in consultation with the local school district and parents or guardians recommends other placement, which placement may be appealed to the State Appeal Board."
In Line 20, redesignate (d) as (e).
In Line 22, strike beginning with "No" through the period in Line 24.

Mr. Bereuter offered the following amendment to the Koch amendment:
amend the Koch amendment to LB 539
After the new language on page 25, line 20, insert:
However, no residential services shall be provided to students in the core population for more than one school year.
On page 15, after line 24, insert:
Children not in the core population shall not be refused diagnostic services because the children in the core population are fully utilizing available staff and space in the Diagnostic Resource Center. Immediate alternative placements for children in the core population shall be located in order to provide sufficient space and staff for diagnostic services for children not in the core population. Costs for diagnostic services for pre-school children shall not be assessed to school districts, but shall be paid for through general funds appropriated for that purpose.
Strike the amendment on page 25, line 17.

PRESIDENT WHELAN PRESIDING

Mr. Kremer 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 Bereuter amendment lost with 17 ayes, 16 nays, 9 present and not voting, and 7 excused and not voting.

The Koch amendment was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Mr. F. Lewis asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit offered the following amendment:

AMENDMENT TO LB 539

On page 25, after line 5, insert the following new subsection:

Program No. 143 - State Aid and School Food Services and Reserve Teacher Act

The State Department of Education shall reimburse local school districts during 1977-78 for the total tuition of wards of the court or state enrolled in approved special education programs on a first priority payment basis.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for Engrossment with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT — Print Amendment to LB 258

Mr. Schmit asked unanimous consent to print the following amendments to LB 258 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 258

1. On page 2, line 6 after "requirements" insert "and housing requirements"; in line 7 after "banking" insert "and savings and loan associations"; in line 12 after "bank" insert "or federal savings and loan association"; in lines 13, 14, and 17 after "bank" insert "or savings and loan association"; and in line 15 after "8-115" insert a comma and strike "and", and in line 15 after the comma insert "and 8-301,"; and in line 26, strike "shall be uniform and".

2. On page 3, line 1 after "bank" insert "and savings and loan association"; in lines 10, 12, 16, and 20 after "banks" insert "and savings and loan associations"; in line 11, after "dollars" insert "or the amount insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation"; in lines 19 and 20 after "capital" insert ", which for savings and loan associations shall be a total of contingency reserves and undivided profits," and in line 22 after "bank" insert "and savings and loan association".

3. On page 4, lines 7 and 10 after "banks" insert "and savings and loan associations"; in line 22 after "Corporation", insert "or Federal Savings and Loan Insurance Corporation"; and in lines 23, 24, and 26 after "bank" insert "or savings and loan assocation". (sic)

4. On page 5, line 12 after "banks" insert "and savings and loan associations".

UNANIMOUS CONSENT–Print Amendment to LB 309A

Mr. Warner asked unanimous consent to print the following amendment to LB 309A in the Journal. No objections. So ordered.

AMENDMENT TO LB 309A

On page 2, line 3, strike "925,000" and insert "525,000".

UNANIMOUS CONSENT–Print Amendment to LB 549

Mr. Rasmussen asked unanimous consent to print the following amendment to LB 549 in the Journal. No objections. So ordered.

AMENDMENT TO LB 549

Amend LB 549 to include there is hereby transferred to the Veterans' Home Building Fund $500,000 from the short term investment pool maintained by the Dept. of Public Institutions

UNANIMOUS CONSENT–Print Amendment to LB 204

Mr. Mills asked unanimous consent to print the following amendment to LB 204 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 204

1. Insert new sections to read:

"Sec. 29. That section 83-1009, Revised Statutes Supplement, 1976, be amended to read as follows:

83-1009. Mentally ill dangerous person shall mean any mentally ill person or alcoholic person who presents:

(1) A substantial risk of serious harm to another person or persons within the near future, as manifested by evidence of recent violent acts or threats of violence or by placing others in reasonable fear of such harm; or

(2) A substantial risk of serious harm to himself within the near future, as manifested by evidence of recent attempts at, or threats of, suicide or serious bodily harm, or evidence of inability to provide for his basic human needs, including food, clothing, shelter, essential medical care, or personal safety.

Sec. 30. For purposes of section 29 of this act, alcoholic person shall mean a person addicted to the use of alcohol.".

2. On page 11, line 2 strike "is" and insert "and section 83-1009, Revised Statutes Supplement, 1976, are".

3. Renumber remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 99.

Introduced by F. Lewis, 45th District.

WHEREAS, the Meyer's Children's Rehabilitation Institute provides specialized developmental services for handicapped children and youth; and

WHEREAS, the Meyer's Children's Rehabilitation Institute provides interdisciplinary education of professional and direct care personnel; and

WHEREAS, the Meyer's Children's Rehabilitation Institute provides research into the causes and treatment of handicapping conditions and serves as a resource center for consultation and direct assistance in the planning and development of needed services throughout the state; and

WHEREAS, the availability of these services is vital to the citizens of the State of Nebraska; and

WHEREAS, there is concern by the Legislature that these services of this nature be adequately provided and that resources are sufficient to accomplish the task.

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

1. That the Legislatures Education Committee conduct an interim study of all services provided by the Meyer's Children's Rehabilitation Institute and its relationship to all functions of government and the private sector.

2. That such study shall include, but not be limited to determination of lines of responsibilities within state government relating to Meyer's Children's Rehabilitation Institute.

3. That the committee shall make a report of its findings together with any recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

VISITORS

The President introduced 46 Fourth grade students and teacher from Wildwood School, Ralston, Nebraska; 36 Future Homemakers and sponsor from Mound City, Missouri; Mr. James Whitaker, President of the Nebraska Retail Merchants Assoc. and Mr. Sterling Kent, Executive Vice President from North Platte, Nebraska.

ADJOURNMENT

At 5:01 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Thursday, May 12, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SECOND DAY—MAY 12, 1977

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 12, 1977

Pursuant to adjournment, the Legislature met at 9:03 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by the Chaplain.

> Eternal God, we confess we so often use our agility to avoid responsibility. Help us with the rush of constant pressures not to follow the lower levels and the easy escapes. Guide us lest we hurt those deeply upon whom we are most dependent. Through chance, or providence, we are here to do strategic work, and are challenged by issues far beyond our limited knowledge. Give to this Legislature humility of spirit, yet tenacity of intellect, that they may rise to new heights because of the mountainous issues before them. May each have a serenity of spirit which keeps them from frustrations, and enables the making of vital decisions in a calm and sane manner. In the name of our Master. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Moylan and Simon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-First Day was approved.

UNANIMOUS CONSENT—Members Excused

Mr. Mills asked unanimous consent to be excused this afternoon. Nc objections. So ordered.

Messrs. Fitzgerald and Savage asked unanimous consent to be excused at 10:30 a.m until they return. No objections. So ordered.

SPEAKER'S ORDER

Speaker Luedtke announced the following schedule for the remaining days of the session.
Friday, May 13, 1977 – 83rd Day
Monday, May 16, 1977 – 84th Day
Tuesday, May 17, 1977 – 85th Day
Wednesday, May 18, 1977 – 86th Day
Thursday, May 19, 1977 – No Session
Friday, May 20, 1977 – No Session
Monday, May 23, 1977 – No Session
Tuesday, May 24, 1977 – 87th Day
Wednesday, May 25, 1977 – 88th Day
Thursday, May 26, 1977 – 89th Day
Friday, May 27, 1977 – No Session
Monday, May 30, 1977 – No Session
Tuesday, May 31, 1977 – No Session
Wednesday, June 1, 1977 – No Session
Thursday, June 2, 1977 – 90th Day

MOTION—Return LB 4 to Select File

Mr. Koch moved to return LB 4 to Select File for the following specific amendment:
Strike the enacting clause.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 15 nays, and 9 not voting.

The Koch motion to return LB 4 to Select File lost with 21 ayes, 25 nays, and 3 excused and not voting.

Mr. Bereuter moved to return LB 4 to Select File for the following specific amendment:

1. In the Dworak amendment 1, line 8 after the period insert "Sections 49-1403 to 49-1444, 49-1480 to 49-1492, and section 15 of this act shall become operative on July 1, 1977.".

2. Insert two new sections to read:

"Sec. 14. That section 141, Legislative Bill 987, Eighty-fourth Legislature of Nebraska, Second Session, 1976, be amended to read as follows:

Sec. 141. That sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, and 49-1101 to 49-1117, ~~50-308 to 50-311, and 50-313 to 50-318,~~ Reissue Revised Statutes of Nebraska, 1943, and sections 32-1134, 32-1135,

32-1143.01, 32-1143.02, and 32-1149, Revised Statutes Supplement, 1974, are repealed.

Sec. 15. Sections 50-308 to 50-311 and 50-313 to 50-318, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber sections 14 and 15 of the committee amendments as sections 16 and 17.

3. In E and R amendment 3 page 1787 of the Journal, line 2 strike "section 139" and insert "sections 139 and 141"; in line 5 strike "an"; and in line 6 strike "date" and insert "dates".

4. In E and R amendment 1, page 1829 of the Journal, line 2 strike "section 139" and insert "sections 139 and 141".

Mr. Merz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 14 nays, and 10 not voting.

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

Voting in the affirmative, 23:

Bereuter	Burrows	Chambers	Duis	Fitzgerald
Keyes	Koch	Labedz	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Murphy	Rumery	Savage	Schmit	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 19:

Boughn	Brennan	Carsten	Clark	Cope
Cullan	DeCamp	Dworak	George	Goodrich
Hasebroock	Hefner	Kahle	Kelly	Kremer
Lamb	Mills	Nichol	Rasmussen	

Present and not voting, 5:

Barnett	Fowler	Merz	Newell	Reutzel

Excused and not voting, 2:

Moylan	Simon

The Bereuter motion to return LB4 to Select File lost with 23 ayes, 19 nays, 5 present and not voting, and 2 excused and not voting.

Mr. Bereuter moved to return LB 4 to Select File for the following specific amendment:

2. Insert two new sections to read:

"Sec. 13. That section 32-1134, Revised Statutes Supplement, 1974, be amended to read as follows:

32-1134. As used in sections 32-1134 to 32-1155 unless the context otherwise requires:

(1) Candidate shall mean any individual who seeks nomination for election or election to the office of Governor, Lieutenant Governor, Auditor of Public Accounts, Secretary of State, Attorney General, State Treasurer, Public Service Commissioner, member of the State Board of Education, member of the Board of Regents of the University of Nebraska, member of the Legislature, any district or county office, city officials of any home rule charter city, directors of any public power district which grosses more than forty million dollars annually, and directors of natural resources districts whether or not such individual is nominated or elected. For purposes of sections 32-1134 to 32-1155, an individual shall be deemed to seek nomination for election or election to one of such offices if he has either (a) taken the necessary actions under the law to qualify himself for nomination or election, or (b) accepted contributions or made expenditures or has given his consent for any other person to accept contributions or make expenditures with a view to bringing about his nomination for election or election to any one of such offices. Any person who holds himself or herself out as a candidate for elective office and receives contributions on that basis shall file all financial reports required by law as if he or she were a candidate. Candidate shall not include any judge selected under Article V, section 21 of the Constitution of Nebraska;

(2) Proposition shall mean any lawfully submitted proposal for an amendment to the state Constitution, for the calling of a state constitutional convention, for the enactment of a statute by initiative, or for the repeal of any act of the Legislature or portion thereof by referendum which appears on an election ballot for approval or rejection by the electors;

(3) Election shall mean (a) any primary, special, or general election at which the electors of the state or any subdivision thereof choose by ballot any of the public officials mentioned in subdivision (1) of this section, or candidates or nominees for any of such offices, or approve or reject any proposition, and (b)

any meeting of a political party central committee or subcommittee thereof at which is chosen a candidate or nominee for any of the offices mentioned in subdivision (1) of this section;

(4) Political committee shall mean any committee, political party, organization, or association of two or more people which raises, receives, or expends, or directs the raising, receipt, or expenditure of money or other things of value to be used wholly or in part in promoting or preventing the nomination or election of any candidate or class of candidates or in promoting or preventing the approval of any proposition;

(5) Receive, receipt, contribute, contribution, expend, and expenditure shall mean (a) any advance, conveyance, deposit, distribution, gift, loan, payment, pledge, or subscription of money or any other thing of value, made in behalf of or in opposition to any candidate or proposition, including the supply or purchase of services or materials in the regular course of business for which no charge is made or no compensation or reimbursement asked, or (b) any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make a contribution or expenditure, but shall not include: (i) Services given by nonprofessional personnel for which compensation would not normally be asked or given or volunteered services which are not given in the regular course of business; (ii) necessary travel expenses incurred by a candidate; or (iii) filing fees;

(6) Person shall mean an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons, including the officers, directors, agents, and servants thereof when acting in a representative capacity;

(7) An act shall be found to have been done knowingly or with knowledge when the person charged therewith either (a) had actual knowledge that it would violate the provisions of sections 32-1134 to 32-1155, (b) had reason to know that such act would violate the provisions of sections 32-1134 to 32-1155, or (c) proceeded to perform the act without reasonable regard to or inquiry into whether or not it would violate sections 32-1134 to 32-1155;

(8) Filing officer shall mean the ~~Secretary of State~~ executive director of the Nebraska Accountability and Disclosure Commission for all propositions and all candidates except those for county offices. The filing

officer for candidates for county offices shall be the county clerk or election commissioner;

(9) Money shall mean any negotiable instrument or other circulating medium in general use expressible in money values, but shall not include any cash as defined in subdivision (10) of this section; and

(10) Cash shall mean any coined metal, paper issued by the government, or other legal tender in general use upon which the government stamp has been impressed to indicate its value.

Sec. 14. That section 32-1149, Revised Statutes Supplement, 1974, be amended to read as follows:

32-1149. It shall be lawful, more than six days before or after any election, for any corporation, whether organized under the laws of this state or any other state or government and doing business in this state, to contribute to any political committee or to or in behalf of any candidate for any public office created by the Constitution or laws of this state to be filled by popular election, and it shall be lawful for any officer, agent, or servant of any such corporation to participate in any such contribution. If such a corporate contribution is made, such corporation, officer, agent, or servant of such corporation shall file a written sworn statement with the ~~Secretary of State~~ executive director of the Nebraska Accountability and Disclosure Commission within five days of the date of such corporate contribution, fully disclosing the nature, date, and value of the contribution, the candidate in whose behalf it was made, or the proposition in behalf of which or in opposition to which it was made.

Any corporation violating any of the provisions of this section and any officer, director, agent, or servant of such corporation participating in such violation shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of ten times the value of such contribution, but not less than five hundred dollars, for the first offense. Upon conviction of a second or subsequent offense, in addition to the fine prescribed for the first offense, if the offending corporation is organized under the laws of this state, the court shall decree that its charter be canceled and set aside, and if the offending corporation be organized or chartered in another state or government, and doing business within this state, the court shall declare its right to do further business in this state forfeited.".

2. On page 11 of the committee amendments, line 10 after "original" insert "sections 32-1134 and 32-1149, Revised Statutes Supplement, 1974, and".

3. In E & R amendment 2, page 1751 of the Journal, line 2 before "sections" insert "sections 32-1134 and 32-1149, Revised Statutes Supplement, 1974,"; and in line 6 after the semicolon insert "to provide duties of the executive director of the Nebraska Accountability and Disclosure Commission;".

4. Renumber section 13 added by the Dworak amendments as section 15, renumber sections 14 and 15 of the Committee amendments as sections 16 and 17.

Mr. Koch asked unanimous consent to have LB 4 laid over until Monday, May 16, 1977.

Mr. Nichol objected.

Mr. Koch moved to have LB 4 laid over until Monday, May 16, 1977.

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.

The Koch motion to hold LB 4 until Monday, May 16, 1977 prevailed with 27 ayes, 7 nays, 11 present and not voting, and 4 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 273

Mr. Savage asked unanimous consent to print the following amendments to LB 273 in the Journal. No objections. So ordered.

AMENDMENT TO LB 273

1. Strike original sections and all amendments thereto and insert new sections as follows:

"Section 1. Whoever for a fee, directly or indirectly, accepts anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel or certificate system of wagering or horse races, or for a fee delivers anything of value which has been received outside of the enclosure of a race track holding a race meet licensed under Chapter 2, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, to be placed as wagers in the pari-mutuel pool or certificate system of wagering on horse racing within such enclosure shall upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, be imprisoned in the county jail for not more than six months, or be both so fined and imprisoned.

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 the following:

"FOR AN ACT relating to crimes and punishment; to make it a crime to accept for a fee, directly or indirectly, anything of value to be wagered, transmitted, or delivered for wager in any pari-mutuel system of wagering on horse races; to provide penalties; and to declare an emergency.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 38. Replaced on Select File as amended.
E & R amendments to LB 38:

1. In the DeCamp amendment to page 27, insert a comma before "have" in line 10, page 1.

2. In the Barnett amendment to page 78, line 20, strike "their" in numbered line 20 and insert "its"; and in line 22 strike "depressants" and insert "depressant".

3. In the Chambers amendment to page 78, insert "(3)" before "For" in line 1; insert "and" after the comma in lines 14 and 15; and strike the period in line 14 and insert a comma.

4. Redesignate subdivisions in renumbered section 121 as subdivisions (1) to (4).

5. In E & R amendment 7, line 10, strike "321" and insert "320".

6. In E & R 110, line 2, strike "321" and insert "320".

7. On page 26, line 4, strike "61" and insert "60".

8. On page 61, line 2, strike "66" and insert "65".

9. On page 66, line 18, strike "66" and insert "65".

10. On page 73, line 23, strike the comma.

11. On page 95, line 8, strike "119" and insert "116"; and in line 10, strike "111 to 120" and insert "108 to 117".

12. On page 123, line 18, and page 124, line 5, strike "155" and insert "150".

13. On page 127, line 16, strike "163" and insert "158".

14. On page 142, line 25, strike "182" and insert "177".

15. In line 1 of E & R 101, strike "20" and insert "10".

16. In the Barnett amendments to page 245, line 3, insert a comma before "28-1043".

17. On page 34, line 26, strike the comma and insert "or"; and in line 27 strike the comma.

18. On page 129, line 11, strike the second comma.

19. On page 150, line 24, strike "(3)" and insert "(2)"; and on page 151, line 2, strike "(4)" and insert "(3)" and in line 3 strike "(5)" and insert "(4)".

20. In E & R amendments renumbering sections and changing internal references, commencing with original section 139, reduce the renumbered section numbers and internal references by 1.

21. Insert the Chambers amendment to page 68, line 4, after the second "substance".

22. In the Cullan amendment found on page 1792 of the Journal, insert a semicolon at the end of lines 2 and 3, and after "people" in line 4.

23. On page 111, line 14, insert "or (1) (d)" before "of".

24. On page 135, line 1, strike "169" and insert "164".

25. In the Murphy amendment, insert "sexual assault in the" after "of" in line 3; and in line 4 strike "rape".

LEGISLATIVE BILL 38A. Replaced on Select File as amended.
E & R amendments to LB 38A:

1. In E & R 1, strike line 3 and insert "strike '345 to 349' and insert '320 to 324'.".

2. In new section 2, insert a comma at the end of line 4.

LEGISLATIVE BILL 39. Replaced on Select File as amended.
E & R amendments to LB 39:

1. On page 9, line 21, insert a comma after "54-143.01".

2. In E & R 14, line 1, insert "in line 18" before "and".

3. In E & R 18, strike "26" and insert "25".

LEGISLATIVE BILL 40. Replaced on Select File as amended.
E & R amendments to LB 40:

1. In new section 116, line 6, strike ", shall" and insert "shall,".

2. Renumber original sections 116 to 269 as sections 117 to 270, the new section added by the Barnett amendment as section 271, and original sections 270 to 313 as sections 272 to 315.

3. Because of the enactment of LB 93, strike original section 314 and renumber original sections 315 to 321 as sections 316 to 322.

4. On page 247, line 19, strike "53-182,".

5. On page 3, insert "48-144.04," at the end of line 3; and in line 12 strike "53-182,".

6. In line 2 of E & R adopted 5/4, insert a comma after "forgery".

7. In lieu of E & R 5 adopted 5/4, on page 162, strike the new and reinstate the stricken matter in lines 9 and 10; in line 9 strike "guilty of" and show stricken; and in line 11 reinstate "39-807," and immediately thereafter insert "such person or persons shall be guilty of a Class V misdemeanor.".

8. On page 165, insert an underscored comma at the end of line 15.

LEGISLATIVE BILL 41. Replaced on Select File as amended.
E & R amendments to LB 41:

1. In the Barnett amendments, insert a comma at the end of line 17 as in the statutes; in line 23 strike "62" and insert "63"; and in line 24 strike "64" and insert "65".

2. In the title, line 5, insert "28-5,106, 28-1046," after "sections".

(Signed) Samuel K. Cullan, Chairman

MESSAGE FROM THE GOVERNOR

May 12, 1977

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

Dear Mr. President and Senators:

While there has been no hesitation or indecision on my part whatsoever on my intentions on your LB 4 as advanced to final reading, I am pleased to notify your body officially, as requested by your Speaker, that should that bill pass on final reading, it will, I promise you, receive my prompt veto.

I have been aware of the determined move by a majority of the Legislature to scrap the Sunshine Bill, with the help and encouragement of most lobbyists. The vehicle is LB 4.

These efforts are wrong, and I will do anything I can to thwart the movement. Let's let the sun shine in on campaign financing and reporting.

If such an effort is made in the Legislature, I believe there will be sufficient changing of minds under the heat of public opinion and light that even the lobbyists will run for cover and LB 4 can be promptly and properly laid to rest.

If I have not made myself clear in this letter, please let me know, and I will endeavor to make my position clearer, if that be possible.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

MOTION–Unbracket LB 4

Mr. Fowler moved to unbracket LB 4 on Final Reading.

Mr. Venditte 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. Fowler requested a roll call vote on his motion.

Voting in the affirmative, 27:

Barnett	Bereuter	Brennan	Burrows	Carsten
Cope	Duis	Fowler	George	Goodrich
Hefner	Keyes	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Merz
Murphy	Newell	Rumery	Schmit	Stoney
Venditte	Warner			

Voting in the negative, 16:

Boughn	Chambers	Clark	Cullan	Hasebroock
Kahle	Kelly	Koch	Marsh	Marvel
Maxey	Mills	Nichol	Rasmussen	Simon
Swigart				

Present and not voting, 3:

DeCamp	Dworak	Reutzel

Excused and not voting, 3:

Fitzgerald	Moylan	Savage

The motion prevailed with 27 ayes, 16 nays, 3 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT–Withdraw Motion on LB 4

Mr. Bereuter asked unanimous consent to withdraw his pending motion found in this day's Journal to return LB 4 to Select File for a specific amendment. No objections. So ordered.

MOTION—Return LB 4 to Select File

Mr. Kelly moved to return LB 4 to Select File for the following specific amendment:

1. In the Dworak amendment 1, line 8 after the period insert "Sections 49-1403 to 49-1444, 49-1445 – 49-1479, and section 15 of this act shall become operative on July 1, 1977.".

2. Insert two new sections to read:

"Sec. 14. That section 141, Legislative Bill 987, Eighty-fourth Legislature of Nebraska, Second Session, 1976, be amended to read as follows:

Sec. 141. That sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, and 49-1101 to 49-1117, ~~50-308 to 50-311, and 50-313 to 50-318,~~ Reissue Revised Statutes of Nebraska, 1943, and sections 32-1134, 32-1135, 32-1143.01, 32-1143.02, and 32-1149, Revised Statutes Supplement, 1974, are repealed.

Sec. 15. Sections 50-308 to 50-311 and 50-313 to 50-318, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

2. Renumber sections 14 and 15 of the committee amendments as sections 16 and 17.

3. In E and R amendment 3 page 1787 of the Journal, line 2 strike "section 139" and insert "sections 139 and 141"; in line 5 strike "an"; and in line 6 strike "date" and insert "dates".

4. In E and R amendment 1, page 1829 of the Journal, line 2 strike "section 139" and insert "sections 139 and 141".

Mr. Newell 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 Kelly motion lost with 19 ayes, 20 nays, 7 present and not voting, and 3 excused and not voting.

MOTION—Reconsider Action on LB 4

Mr. Nichol moved to reconsider action on the Koch motion to return LB 4 to Select File for the specific amendment to strike the enacting clause.

Mr. Venditte moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

The Nichol motion to reconsider action on the Koch motion to return LB 4 to Select File lost with 19 ayes, 20 nays, 7 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 4. With Emergency.

A BILL FOR AN ACT to amend sections 49-1434, 49-1480 to 49-1489, and 49-1492, Revised Statutes Supplement, 1976, and section 139, Legislative Bill 987, Eighty-fourth Legislature, Second Session, 1976, relating to the Nebraska Political Accountability and Disclosure Act; to change provisions regulating lobbyists and their principals; to correct an internal reference; to change an operative date; to repeal the original sections; and to declare an emergency.

Mr. DeCamp moved to return LB 4 to Select File for the following specific amendment:
1. Page 3, line 6, strike "professional"; and line 9, after the period add the following: "But if such person is otherwise engaged in lobbying activity, then such person shall be a lobbyist and report such other activity as required by this act."

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 11 nays, 13 not voting.

The DeCamp motion to return LB 4 prevailed with 25 ayes, 19 nays, 3 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 100.

Introduced by Keyes, 3rd District.

WHEREAS, the taxing of multi-state and multi-national corporations is difficult because of the complex nature of their accounting; and

WHEREAS, because this complex problem requires the Department of Revenue to audit – either on their own or through the use of the Multi-State Compact – these corporations; and

WHEREAS, the State of Nebraska might benefit by taxing multi-state and national companies in a different manner.

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

1. That the Revenue Committee study Nebraska taxation of multi-state and national corporations.

2. That they particularly explore whether Nebraska would realize any benefits by altering the present method of taxing multi-state and national companies.

3. That the committee report its findings along with any recommended legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 101.

Introduced by Keyes, 3rd District.

WHEREAS, taxation of insurance companies is a unique form of taxation; and

WHEREAS, amending the taxation of insurance companies to change the rates of taxation or to alter the manner of taxation, has national implications; and

WHEREAS, a number of states have repealed their retalitory laws and some additional states are considering such action, in an effort to eliminate the national implications.

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

1. That the Revenue Committee conduct an interim study of the taxation of insurance companies.

2. That they review the benefits and drawbacks of repealing the retalitory laws that apply to the taxation of insurance companies.

3. That they report their findings along with their recommendations for legislative action to the next regular 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 33. Mr. Koch asked unanimous consent to have the bill laid over. No objections. So ordered.

LEGISLATIVE BILL 520. With Emergency.

A BILL FOR AN ACT to amend section 84-1203, Reissue Revised Statutes of Nebraska, 1943, relating to the Records Management Act; to provide powers and duties of the State Records Administrator as prescribed; to provide for transfer of equipment; to create a revolving fund; to prescribe its name; to provide for deposits and disbursements; 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Dworak
Fowler	George	Hasebroock	Hefner	Kahle
Kelly	Keyes	Koch	Kremer	Labedz
F. Lewis	Luedtke	Maresh	Marsh	Marvel
Maxey	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 6:

Chambers	Duis	Goodrich	Lamb	R. Lewis
Mills				

Present and not voting, 1:

Brennan

Excused and not voting, 2:

Fitzgerald 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 520A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 520, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Carsten	Clark
Cope	Cullan	DeCamp	Dworak	Fowler
George	Hasebroock	Hefner	Kahle	Kelly

Keyes	Koch	Kremer	Labedz	F. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey
Merz	Moylan	Murphy	Newell	Nichol
Rasmussen	Rumery	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 7:

Brennan	Chambers	Duis	Goodrich	Lamb
R. Lewis	Mills			

Present and not voting, 2:

Burrows Reutzel

Excused and not voting, 2:

Fitzgerald 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.

MOTION—Reconsider Action on LB 263

Mr. Murphy renewed his pending motion found in the Journal on page 1899 to reconsider action on final passage of LB 263.

The Murphy motion to reconsider action prevailed with 25 ayes, 12 nays, 10 present and not voting, and 2 excused and not voting.

Messrs. Hasebroock, Marvel, Nichol and members of the Committee on Committees asked unanimous consent to be excused. No objections. So ordered.

MOTION – Return LB 263 to Select File

Mr. Murphy moved to return LB 263 to Select File for the specific amendment found in the Journal on page 1912.

Mr. Murphy moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

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

Voting in the affirmative, 21:

Bereuter	Brennan	Burrows	Carsten	Cope
Cullan	Dworak	Fowler	Hefner	Labedz
Lamb	Maxey	Merz	Mills	Murphy
Newell	Rasmussen	Reutzel	Stoney	Venditte
Warner				

Voting in the negative, 11:

DeCamp	Goodrich	Kahle	Koch	F. Lewis
Luedtke	Marsh	Moylan	Rumery	Schmit
Simon				

Present and not voting, 12:

Barnett	Boughn	Chambers	Clark	Duis
George	Kelly	Keyes	Kremer	R. Lewis
Maresh	Swigart			

Excused and not voting, 5:

Fitzgerald	Hasebroock	Marvel	Nichol	Savage

The Murphy motion lost with 21 ayes, 11 nays, 12 present and not voting, and 5 excused and not voting.

Mrs. Marsh moved the Call be raised. The motion prevailed with 17 ayes, 6 nays, and 26 not voting.

VISITORS

The President introduced 29 third through sixth grade students, teachers, and parents from Morse Bluff, Saunders County District 14; 22 sixth grade students and teacher from Morton Elementary, Hastings, Nebraska; 42 students and sponsor from Pebble Valley Catholic, West Point, Nebraska; 74 students and teacher from St. Robert Bellarmine, Omaha; 10 students and sponsors from School District No. 3, Hall County; 40 fifth grade students and teacher from St. Bonaventure, Columbus, Nebraska; 30 fifth through eighth grade students and teachers from St. Johns-Trinity Lutheran, Madison, Nebraska; and 32 third and fourth grade students and teacher from Clarks, Nebraska.

RECESS

At 12:25 p.m., on a motion by Mr. F. Lewis, the Legislature recessed until 2:00 p.m.

AFTER RECESS

The Legislature reconvened at 2:03 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Mills and Hasebroock who were excused; Messrs. Fitzgerald, Marvel, Savage, Schmit and Mrs. Labedz who were excused until they arrive.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 95.

SELECT FILE

LEGISLATIVE BILL 38. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 38A. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 39. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 40. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 41. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION–Return LB 131 to Select File

Mr. DeCamp moved to return LB 131 to Select File for the specific amendment found in the Journal on page 1955.

Mr. DeCamp asked unanimous consent to modify his specific amendment as follows:

line 14 strike "started" and on line 15 strike word "or".

No objections. So ordered.

Mr. Merz moved the previous question. The question is, "Shall the debate now close;" The motion lost with 22 ayes, 5 nays, and 22 not voting.

The DeCamp motion to return LB 131 prevailed with 26 ayes, 2 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 131. The DeCamp specific amendment found in the Journal on page 1955 as modified above was adopted with 29 ayes, 3 nays, 13 present, and 4 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 524.

Correctly Engrossed

The following bills were correctly engrossed: 38, 38A, 39, 40, 41, and 340.

Correctly Enrolled

The following bills were correctly enrolled: 520 and 520A.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 520 and 520A.

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 12,

1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Epke, Walter H. - York, Thoroughbred Racing Association of Nebraska

SELECT FILE

LEGISLATIVE BILL 533. Mr. Warner offered the following amendment:
Strike the Koch amendment found in the Journal on page 1572.

The amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mr. Kremer re-offered his amendment found in the Journal on page 1582.

MR. MARVEL PRESIDING

Mr. Schmit offered the following amendment to the Kremer amendment:

AMENDMENT TO LB 533

1. In the Kremer amendments, page 2, strike subdivision (xii).

The Schmit amendment lost with 11 ayes, 19 nays, 15 present and not voting, and 4 excused and not voting.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Schmit offered the following amendment to the Kremer amendment:
To strike all of the Kremer amendment except item V - Agronomist 45,120

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The Schmit amendment lost with 11 ayes, 18 nays, 15 present and not voting, and 5 excused and not voting.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 7 nays, and 15 not voting.

Mr. Kremer moved for a Call of the House. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Kremer requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Boughn	Carsten	Clark	Cullan	Duis
George	Goodrich	Hefner	Kahle	Koch
Kremer	Lamb	Luedtke	Maresh	Maxey
Merz	Nichol	Schmit	Swigart	

Voting in the negative, 19:

Bereuter	Brennan	Burrows	Cope	Dworak
Fowler	Kelly	F. Lewis	R. Lewis	Marsh
Marvel	Moylan	Murphy	Newell	Reutzel
Rumery	Simon	Stoney	Warner	

Present and not voting, 6:

Barnett	Chambers	DeCamp	Keyes	Labedz
Rasmussen				

Excused and not voting, 5:

Fitzgerald	Hasebroock	Mills	Savage	Venditte

The Kremer amendment lost with 19 ayes, 19 nays, 6 present and not voting, and 5 excused and not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 16 ayes, 2 nays, and 31 not voting.

MESSAGE FROM THE GOVERNOR

May 11, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 139, 162, 290, 390, 390A, 427, 450, 450A, 483, 504, and 521.

These bills were signed by me on May 11, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 12, 1977, at 3:40 p.m., were the following bills: 520 and 520A.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTION

LEGISLATIVE RESOLUTION 102.

Introduced by DeCamp, 40th District; Bereuter, 24th District; Boughn, 21st District; Carsten, 2nd District; Cope, 36th District; George, 16th District; Hefner, 19th District; Kelly, 35th District; Keyes, 3rd District; Koch, 12th District; Kremer, 34th District; Labedz, 5th District; Lamb, 43rd District; R. Lewis, 38th District; Luedtke, 28th District; Maresh, 32nd District; Marsh, 29th District; Merz, 1st District; Moylan, 6th District; Murphy, 17th District; Nichol, 48th District; Rasmussen, 41st District; Reutzel, 15th District; Rumery, 42nd District; Schmit, 23rd District; Simon, 31st District; Stoney, 4th District; Swigart, 8th District; Venditte, 7th District.

WHEREAS, the Republic of China has been a friend and ally of the United States through the years; and

WHEREAS, the Republic of China was a founding member of the United Nations and has always been a law-abiding member of the community of nations; and

WHEREAS, the people of the Republic of China have build a successful, prosperous, free enonomy out of the ashes of a half-century of revolution, invasion and civil war and now serve as an important trading partner of the American people; and

WHEREAS, the Republic of China is of great strategic importance in the defense of East Asia and the Pacific and has always utilized its military power in the interest of the free world; and

WHEREAS, the Republic of China is important to the economy of the United States and of the State of Nebraska through its use of wheat, soybeans and other agricultural products.

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

1. That the Congress of the United States is hereby urged to promote continued friendship, diplomatic relations, freedom, and security of our friend and ally, the Republic of China, and its people.

2. That the Secretary of State be directed to transmit copies of this resolution to the President and the Secretary of State of the United States, each member of the Nebraska delegation in the Congress of the United States, and the Ambassador of the Republic of China to the United States.

Laid over.

UNANIMOUS CONSENT—Print Amendments to LB 4

Mr. DeCamp asked unanimous consent to print the following amendments to LB 4 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 4
Final Reading Copy

1. On page 3, line 5 strike "or"; and in line 9 after "legislation" insert ", but if such person is otherwise engaged in lobbying activity, then such person shall be a lobbyist and report such other activity as required by this act; or

(g) Any person who, not for hire, is authorized to lobby on behalf of a principal, if such principal authorizes another person to lobby for hire".

2. On page 10, line 18 after the period insert "Sections 49-1403 to 49-1444, 49-1480 to 49-1492, and section 15 of this act shall become operative on July 1, 1977."; and in line 19 strike "July 1" and insert "~~July 1~~ February 15".

3. Insert two new sections to read:

"Sec. 14. That section 141, Legislative Bill 987, Eighty-fourth Legislature of Nebraska, Second Session, 1976, be amended to read as follows:

Sec. 141. That sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, and 49-1101 to 49-1117, ~~50-308 to 50-311, and 50-313 to 50-318~~, Reissue Revised Statutes of Nebraska, 1943, and sections 32-1134, 32-1135, 32-1143.01, 32-1143.02, and 32-1149, Revised Statutes Supplement, 1974, are repealed.

Sec. 15. Sections 50-308 to 50-311 and 50-313 to 50-318, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Renumber sections 14 and 15 as sections 16 and 17.

5. On page 10, line 22 strike "section 139" and insert "sections 139 and 141".

6. In the title, line 4 strike "section 139" and insert "sections 139 and 141"; in line 10 strike "an" and strike "date" and insert "dates".

SELECT FILE

LEGISLATIVE BILL 533. Mr. Warner renewed the Appropriation Committee amendments found in the Journal on page 1923.

The amendments were adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner renewed the Appropriation Committee amendments (1), (2), and (3) found in the Journal on page 1954.

The amendments (1) and (2) were adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Kelly asked unanimous consent to be excused . No objections. So ordered.

The amendment (3) was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Dworak withdrew his pending amendment found in the Journal on page 1810.

Mr. Murphy re-offered the previous Kelly amendment found in the Journal on page 1649.

Mr. Murphy withdrew the amendment.

Messrs. Dworak and Rasmussen asked unanimous consent to be excused. No objections. So ordered.

Mr. Cullan offered the following amendment:
PURPOSE: To replace the loss of federal funds -- University of Nebraska Medical Center-Family Practice Program in the amount of $150,000.
(1) On page 27, line 27, strike "22,203,739" and insert "22,353,739" and on page 28, line 4, strike "44,177,067" and insert "44,327,067".
(2) On page 28, line 5, strike "272,011" and insert "422,011".
(3) On page 28, after line 15, insert:

(b) Loss of Federal Funds	
(i) Family Practice Program	150,000

(4) On page 29, line 9, strike "23,930,908" and insert "24,080,908" and on line 13, strike "45,904,236" and insert "46,054,236".

The amendment lost with 11 ayes, 12 nays, 17 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT–Print Amendment to LB 533

Mr. Warner asked unanimous consent to print the following amendment to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To provide for alternative funding for the University of Nebraska-Lincoln student record keeping system.

(1) On page 18, after line 4, insert: On or before January 1, 1978, any dollars not committed for Veterinary student contracts, Program 715 - Institute of Agriculture and Natural Resources, and Optometry student contracts, Program 781 - Administration and Computer, are hereby authorized to be transferred to Program 781 - Administration and Computer, Lincoln campus for the purpose of record keeping for former students not to exceed $82,000. Any funds in addition to the $82,000 not committed for Veterinary student contracts or Optometry student contracts during 1977-78 shall lapse on June 30, 1978.

ANNOUNCEMENT

Mr. F. Lewis announced an executive session of the Education Committee at noon, May 13, 1977, under the South Balcony.

MOTION–Reconsider Action on LB 263

Mr. F. Lewis moved to reconsider action on LB 263 motion by Mr. Murphy to return for specific amendment.

Motion pending.

VISITORS

The President introduced 27 students and teachers from Marysville, Kansas; 34 students and teacher from Christ Lutheran, Norfolk, Nebraska; and 40 students and teacher from Dodge, Nebraska.

ADJOURNMENT

Mr. Luedtke moved to adjourn until 8:00 a.m. The motion lost with 12 ayes, 14 nays, and 23 not voting.

At 4:47 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Friday, May 13, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-THIRD DAY—MAY 13, 1977

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 13, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God, who has given to all persons talents and varying capacities, Thou dost only require of us that we utilize Thy gifts to the maximum. In this Legislature to which Thou hast entrusted special abilities and opportunities, may each recognize his stewardship for the people of this State. Through the perplexing problems and needed decisions give them calmness and wisdom. May heated debates always be on the issues and not develop into personal jealousies which only defeat the purpose of our representative government. May we at the beginning of a new morning say, "This is the day that the Lord hath made, let us rejoice and be glad in it." Amen.

ROLL CALL

The roll was called and all members were present except Mrs. Maxey who was absent until 9:10 a.m. and Mr. Fowler who was absent until 9:20 a.m.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Second Day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 33. Mr. Koch asked unanimous consent to change the order of Final Reading.

Mr. Lamb objected.

Mr. Koch moved to change the order of Final Reading.

The Chair ruled the motion was not timely and out of order, since the Clerk had already started reading the bill.

Mr. F. Lewis challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion prevailed with 25 ayes, 16 nays, 6 present and not voting, and 2 absent and not voting.

The Chair was overruled.

The Speaker set the Final Reading order as follows: 182, 33, 33A, and 263.

LEGISLATIVE BILL 182. With Emergency.

A BILL FOR AN ACT relating to disposal sites; to provide for the regulation of disposal sites as prescribed; to provide standards; 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, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marsh
Marvel	Maxey	Merz	Mills	Murphy
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Absent and not voting, 1:

Fowler

Present and not voting, 2:

Moylan Newell

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 33.

A BILL FOR AN ACT to amend sections 79-1334, 79-1336, 79-1337, and 79-1343, Reissue Revised Statutes of Nebraska, 1943, sections 79-4,161, 79-4,166, 79-1333, and 79-1338, Revised Statutes Supplement, 1976, and section 79-490, as amended by section 1, Legislative Bill 117, Eighty-fifth Legislature, First Session, 1977, relating to education; to change amounts of financial support; to impose certain spending limitations; to include specific programs in state financial support calculations; to increase the amount of state financial support; to repeal the original sections, and also sections 79-1335, 79-1340, and 79-1344.01, Reissue Revised Statutes of Nebraska, 1943, and sections 79-4,160 and 79-4,164, Revised Statutes Supplement, 1976.

Whereupon the 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:

Barnett	Bereuter	Boughn	Carsten	Cope
Cullan	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	F. Lewis	Luedtke	Marsh
Maxey	Merz	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Warner				

Voting in the negative, 17:

Brennan	Burrows	Chambers	Clark	Dworak
Kelly	Kremer	Labedz	Lamb	R. Lewis
Maresh	Marvel	Mills	Moylan	Murphy
Stoney	Swigart			

Present and not voting, 1:

Venditte

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

LEGISLATIVE BILL 33A. Mr. Warner raised a point of order on whether LB 33A is necessary.

The Chair stated he didn't think it would matter if the bill was read.

Mr. Koch moved to bracket LB 33A until May 16, 1977. The motion prevailed with 41 ayes, 0 nays, and 8 present and not voting.

MOTION—Reconsider Action on LB 263

Mr. F. Lewis renewed his pending motion found in the Journal on page 2011 to reconsider action on the Murphy motion to return LB 263 to Select File for the specific amendment on page 1912.

The motion prevailed with 25 ayes, 11 nays, and 13 present and not voting.

MOTION—Return LB 263 to Select File

Mr. Murphy moved to return LB 263 to Select File for the specific amendment found in the Journal on page 1912.

The motion lost with 23 ayes, 17 nays, and 9 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 263.

A BILL FOR AN ACT to amend sections 8-1101, 8-1103, 8-1106, 8-1109, and 8-1111, Reissue Revised Statutes of Nebraska, 1943, relating to securities; to change provisions of the Securities Act of Nebraska 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, 36:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	DeCamp	Duis	George
Goodrich	Hasebroock	Hefner	Kahle	Kelly
Keyes	Koch	Kremer	Labedz	Lamb
F. Lewis	Luedtke	Maresh	Marsh	Moylan
Murphy	Newell	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 10:

Chambers	Cullan	Dworak	Fitzgerald	R. Lewis
Marvel	Maxey	Merz	Mills	Rasmussen

Present and not voting, 3:

Brennan Fowler Nichol

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

MOTION—Suspend Rules

Mr. Warner moved to suspend the rules to reconsider action on LB 263A notwithstanding any procedural deficiency.

The motion prevailed with 31 ayes, 0 nays, and 18 present and not voting.

MOTION—Reconsider Action on LB 263A

Mr. Warner moved to reconsider action on LB 263A on Final Reading.

The motion prevailed with 34 ayes, 3 nays, and 12 present and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 263A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 263, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Burrows	Carsten
Clark	Cope	DeCamp	Duis	Dworak
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Labedz	Lamb	F. Lewis	Luedtke	Maresh
Marsh	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 6:

Chambers Cullan Fitzgerald R. Lewis Marvel Maxey

Present and not voting, 2:

Brennan Mills

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

ATTORNEY GENERAL'S OPINIONS

Opinion No. 91
May 11, 1977

Dear Senator Fowler:

This is in response to your inquiry concerning the constitutionality of proposed amendments to section 2 of L.B. 501. These amendments would add three additional classes of individuals to the present class of peace officers who would be authorized to take an individual into custody or cause him to be taken into custody when such authorized persons believed such individual to be a mentally ill dangerous person, and that such person is likely to cause harm to himself or another before mental health board proceedings may be had.

Section 3 also proposes to add these classes to the existing provision which requires that peace officers execute a written certificate alleging that the signer believes that the subject in custody is a mentally ill dangerous person and likely to harm himself or others before the mental health board proceedings may be had. We construe the term "admission" in this section to mean at the time the peace officer takes a person into custody and admits him to a jail as defined in Section 83-1015 of said act, a mental health center or state hospital or other government or private hospital as required by Section 83-1020 of said act and unchanged by section 2 of L.B. 501.

You inquire whether or not the authorization of these private individuals proposed by the amendments to section 2 of L.B. 501, would be an unconstitutional delegation of police power.

At common law, an insane person who was a menace to his own safety or that of others could be confined in a suitable place by any interested person and without legal process. The danger to society as a whole was said to justify emergency action by private citizens. However, the private citizen acted at the risk of being held responsible to the person taken into custody if it should develop that either there was no emergency or that the person was not insane. If no emergency, there was no justification for

restraining the person's liberty; if the person was found to be insane, there was said to have been no injury to him but otherwise if found to be sane. Appeal of Sleeper, 87 A.2d 115 (1952), 41 Am.Jur.2d 38.

In Fahgen v. Miller, 328 N.Y.Supp. 2d 393, 278 N.E.2d 615, cert. denied, 409 U.S. 485 (CA N.Y. 1972), the highest court in New York held that a person even though not dangerous could be taken into temporary custody to prevent detrimental acts to society or danger to the person. The Court included as detrimental acts such things as public lewdness, a criminal nuisance, disorderly conduct and sexual abuse. The Court said that due process is not offended if notice and hearing follow confinement so long as the person is given an opportunity within a short time to litigate the question of his mental illness. This statute did not provide for a hearing until five days after a request was made.

Under one section of the New York statute any interested person could have the suspected insane individual placed in temporary custody without any doctor's certificate. Under another section where the person was alleged to be a dangerous person, the certificate of two physicians were required.

A number of cases to the same effect as the two foregoing examples are contained in 92 A.L.R.2d 572. It is especially clear that a mentally ill dangerous person as required under L.B. 501 may be taken into temporary custody by private citizens. However, the warning bears repeating, that such private individual may subject himself to civil liability.

Inasmuch as police power is the authority of the state to encroach upon certain private rights of individuals when the general welfare of society is deemed to be more important and private citizens have always been authorized to take persons into custody in the furtherance of society's superior right, it is our opinion that the proposed amendments authorizing the new classes of persons to take persons into custody under the circumstances described do not violate the Constitution as an invasion of due process or an unauthorized delegation of police power.

Furthermore, said provisions do not, in our opinion, pose any equal protection problem since there is ample justification for creating a classification of persons such as mentally ill dangerous persons who may be treated differently than others not in that class.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Mel Kammerlohr
Assistant Attorney General

MK:jc
cc: Vincent D. Brown
Clerk of the Legislature

Opinion No. 92
May 12, 1977

Dear Senator Simon:

You have requested our opinion with regard to the requirements for financial disclosure contained in LB 987, Eighty-fourth Legislature, Second Session, 1976. Your question is, "whether the bill requires or even suggests full disclosure of a person's financial net worth. . is full disclosure required, not required or is there some grey area regarding full financial disclosure?" Your purpose is to consider LB 4 this session.

We interpret your question to ask whether an individual is required to file a statement setting forth his assets and liabilities.

Section 49-1496 sets forth in six separate subsections items of information that are to be disclosed. Thus by referring to section 49-1496, R.S.Supp., 1976, we may discern those matters which are required to be disclosed.

Section 49-1496(2) (a) requires the person to identify on the form the name, address and the nature of association with any business in which the individual was associated and any entity in which a position of trustee was held in the year proceding the filing. Subsection (b) requires disclosure of the name, address and nature of business of any person from whom income or gift of more than $1,000.00 was received during the preceding year. In addition it requires the disclosure of the nature of the services rendered. There is an exemption where the individual is an employee, operator or participant in a proprietorship, partnership, professional corporation, business or non-profit corporation or other person. In such case, the requirement is that the name of the entity be listed. Subsection (c) requires disclosure of interests in real property, excluding the personal resident of the candidate, where the fair market value of such property exceeds $1,000.00. This subsection also requires disclosure of all other forms of wealth of a tangible or intangible nature in which a direct financial interest is held. Subsection (d) requires the disclosure of the name and address of each creditor to whom the individual or a member of the immediate family is indebted in excess of $1,000.00. An exclusion, however, applies to the following items:

> ". . . Accounts payable, debts arising out of retail installment transactions or from loans made by financial institutions in the ordinary course of business, loans from a relative, and land contracts that have been properly recorded with the county clerk or the register of deeds need not be included;"

This exclusion operates to exempt the great majority of normal financial transactions. Subsection (e) requires that the name, address and occupation of any person from whom a gift of more than $100 has been received be listed. It also requires a description of the circumstances surrounding such gift. Subsection (f) provides:

"Such other information as the person required to file the statement or the commission deems necessary, after notice and hearing, to carry out the purposes of sections 49-1401 to 49-14,138."

While this discussion is not exhaustive of all possibilities arising under the act, it does indicate the information required to be filed by law.

In setting forth the requirements to report various items of financial interest the standard generally used is that the interest to be reported exceed $1,000.00 in value. In neither the act or this section is it required that the dollar value of an asset or a debt be stated.

The act only requires disclosure of a person's interest in the areas described, generally only where the value exceeds $1,000.00. At this time no action has been taken by the Commission established under LB 987 which would require the disclosure of specific values for such items.

Therefore, in answer to your question we do not find any requirement under the Political Accountability and Disclosure Act, LB 987, Eighty-fourth Legislature, Second Session, 1976, that a net worth statement be filed by a covered person.

Thus the act contemplates the disclosure of an interest in described types of assets but is not designed to require a net worth statement or a statement as to the market value of assets or liabilities.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Vincent Brown
Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 103.

Introduced by Public Works Committee: Kremer, 34th District, Chairman; Mills, 44th District; R. Lewis, 38th District; Merz, 1st District; Swigart, 8th District; Kelly, 35th District; Boughn, 21st District; Moylan, 6th District.

WHEREAS, because of the rapid development of irrigation in this state and because of the recent drought conditions which have affected all Nebraskans, the Eighty-Fifth Legislature recognizes the importance of wise management of Nebraska's water resources; and

WHEREAS, the Public Works Committee within the last year, and especially during the 1977 legislative session, has conducted numerous hearings in regard to Nebraska's water and water law problems; and

WHEREAS, continued study of Nebraska's water problems, and legislation to solve those problems, is still needed; and

WHEREAS, the Public Works Committee has at its disposal numerous private individuals, state employees, interested parties, and other resources available to assist the committee in formulating solutions to Nebraska's water problems; and

WHEREAS, further legislation relating to water problems will probably be needed during the 1978 Session of the Nebraska Legislature.

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

1. That the Public Works Committee be directed to conduct a continued study of Nebraska's law relating to water resources to resolve water use conflicts and to insure the efficient and optimum beneficial use of water in this state.

2. That the Public Works Committee be directed to call upon the facilities, personnel, and resources of the University of Nebraska Institute of Agriculture and Natural Resources, the various agencies of state government and private individuals to assist the Committee in its work.

3. That the Public Works Committee conduct such further hearings on water resources which the Committee might deem advisable.

4. That the Public Works Committee, at the conclusion of its Interim 1977 Study, prepare such legislation as it deems necessary and appropriate for introduction in the 1978 Session of the Nebraska Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 104.

Introduced by Simon, 31st District.

WHEREAS, the various Jaycee Chapters are organizations of men and women dedicated to self-improvement and community betterment; and

WHEREAS, there are presently approximately one hundred fifty Jaycee Chapters in the State of Nebraska; and

WHEREAS, these Chapters exemplify and emphasize the benefits of individual self-improvement and service to the community; and

WHEREAS, the Jaycees will soon celebrate the fiftieth anniversary of the existence of the Jaycee program in Nebraska; and

WHEREAS, the annual state convention at which such anniversary will be celebrated, will be held in Omaha, Nebraska on May 20, 21, and 22.

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

1. That the Legislature hereby commemorates the fiftieth anniversary of the Jaycees in Nebraska.

2. That the Clerk of the Legislature send a copy of this resolution to Mr. Vic Kensler, Omaha, Nebraska, State Chairman of the Jaycee State Convention.

Laid over.

LEGISLATIVE RESOLUTION 105.

Introduced by Goodrich, 20th District.

WHEREAS, the administration of the current welfare program has come under criticism at all levels of government; and

WHEREAS, the State and the Federal Government finance the administration of the welfare program; and

WHEREAS, the county administers the welfare program under the supervision of the State Department of Public Welfare; and

WHEREAS, there have been allegations of inequitable treatment of welfare recipients living in separate counties.

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

1. That a committee be appointed to study the current administration of the welfare program.

2. That the committee consider the advantages and disadvantages of county administration versus state administration of the program.

3. That the committee report its findings to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION—Change Speaker's Order

Mr. Maresh moved to change the Speaker's Order to consider LB 509 on General File after Final Reading.

The Speaker raised a point of order on this being a suspension of the rules.

The Chair sustained the point of order and ruled a suspension of the rules.

Mr. Maresh moved for a Call of the House. The motion prevailed with 21 ayes, 5 nays, and 23 not voting.

The motion to suspend the rules prevailed with 33 ayes, 9 nays, and 7 present and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 17 ayes, 5 nays, and 27 not voting.

GENERAL FILE

LEGISLATIVE BILL 509. Considered.

Mr. Maresh offered the following amendment:
To amend LB 509 on page 44 line 12 reinstate the stricken three and strike four

The amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 1810.

The amendment was adopted with 28 ayes, 1 nay, and 20 present and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, and 16 present and not voting.

LEGISLATIVE BILL 361. Mr. Duis asked unanimous consent to bracket until January 10, 1978. No objections. So ordered.

MOTION—Suspend Rules

Mr. DeCamp moved to suspend the rules to consider LB 52 on General File.

Mr. George moved the previous question. The question is, "Shall be debate now close?" The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The motion to suspend the rules prevailed with 31 ayes, 4 nays, and 14 present and not voting.

Mr. Swigart moved the Call be raised. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

GENERAL FILE

LEGISLATIVE BILL 52. Title read. Considered.

Standing Committee amendments found in the Journal on page 1513 for the Sixty-Fifth Day were considered.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The Standing Committee amendments were adopted with 26 ayes, 0 nays, and 23 present and not voting.

Mr. DeCamp withdrew his amendments found in the Journal on pages 1832 and 1951.

Advanced to E & R for Review with 27 ayes, 0 nays, and 22 not voting.

UNANIMOUS CONSENT–Print Amendments to LB 550

Mr. Warner asked unanimous consent to print the following amendments to LB 550 in the Journal. No objections. So ordered.

AMENDMENT TO LB 550

1. ADD a new section:

Sec. . If it is necessary for the conflict of interest committee to be operational, the expenditure for such activities and support expenses shall be made from Program 122 -- Legislative Services.

2. On page 2, in lines 9 and 10, strike "1,151,305" and insert "1,121,305".

On page 2, after line 10, insert "Personal services expenditures shall not exceed $997,953. The salary basis for 1978-79 continuation funding shall not exceed $845,633."

On page 2, after line 13, insert "Personal services expenditures for this program shall not exceed $399,160. The salary basis for 1978-79 continuation funding shall not exceed $349,997."

On page 2, after line 17, insert "Personal services expenditures shall not exceed $571,859. The salary basis for 1978-79 continuation shall not exceed $515,000."

On page 2, in lines 20 and 21, strike "$326,598" and insert "$356,598".

On page 2, after line 21, insert "Personal services expenditures shall not exceed $194,121. The salary basis for 1978-79 continuation shall not exceed $174,127."

On page 3, after line 2, insert "Personal services expenditures shall not exceed $51,381. The salary basis for 1978-79 continuation shall not exceed $47,007."

On page 3, after line 6, insert "Personal services expenditures shall not exceed $344,481. The salary basis for 1978-79 continuation funding shall not exceed $310,984."

UNANIMOUS CONSENT—Print Amendments to LB 539

Mr. Chambers asked unanimous consent to print the following amendments to LB 539 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 539

PURPOSE: To provide for the expenditure of $50,000 General Fund to have conducted, through a contractual arrangement, a needs assessment for the Nebraska American Indian population.

(1) In LB 539, on page 18, after line 13 insert:

There is included in the amount shown $50,000 General Fund to have conducted, through a contractual agreement, a needs assessment for and of the American Indian population of Nebraska. This needs assessment is to include a determination of (1) the current employment and employment opportunities of Nebraska Indians; (2) the health of and the health care facilities and support services available and unavailable to Nebraska Indians; (3) the education of Nebraska Indians; (4) the educational institutions and programs providing services to Nebraska Indians; (5) any demonstrable lack of educational institutional accessiblity and/or lack of educational services and opportunities; and (6) the housing adequacies and inadequacies facing Nebraska Indians.

In awarding the contract to have this study conducted, the Department of Economic Development shall establish a bidding procedure which provides that bids will be accepted from all those public and private agencies interested in bidding, to include other state agencies and commissions. In evaluating bids and awarding the contract, the Department of Economic Development shall consider not only the dollar amount of the bid, but it shall give full consideration to those bidders who best demonstrate by objective criteria that they can fully meet all the objectives of this needs assessment and provide data and information which is reliable and useful in assessing and providing for the needs of Nebraska Indians.

UNANIMOUS CONSENT—Print Amendments to LB 532

Mr. Chambers asked unanimous consent to print the following amendments to LB 532 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 532

PURPOSE: To provide $50,000 General Fund to be used only to have conducted, through a contractual arrangement, a needs assessment for the Nebraska American Indian population.

(1) Strike the Dworak Amendment to LB 532 found on page 1810 of the Legislative Journal adopted on May 11.

(2) On page 55, after line 23, insert:

There is included in the amount shown $50,000 General Fund to have conducted, through a contractual agreement, a needs assessment for and of the American Indian population of Nebraska. This needs assessment is to include a determination of (1) the current employment and employment opportunities of Nebraska Indians; (2) the health of and the health care facilities and support services available and unavailable to Nebraska Indians; (3) the education of Nebraska Indians; (4) the educational institutions and programs providing services to Nebraska Indians; (5) any demonstrable lack of educational institutional accessibility and/or lack of educational services and oppurtunities; and (6) the housing adequacies and inadequacies facing Nebraska Indians.

In awarding the contract to have this study conducted, the Department of Economic Development shall establish a bidding procedure which provides that bids will be accepted from all those public and private agencies interested in bidding, to include other state agencies and commissions. In evaluating bids and awarding the contract, the Department of Economic Development shall consider not only the dollar amount of the bid, but it shall give full consideration to those bidders who best demonstrate by objective criteria that they can fully meet all the objectives of this needs assessment and provide data and information which is reliable and useful in assessing and providing for the needs of Nebraska Indians.

(3) On page 55, strike lines 24 to 27.

MOTION–Return LB 518 to Select File

Mr. Schmit moved to return LB 518 to Select File for the following specific amendment:

1. Strike section 9.
2. Renumber sections 10 to 15 as sections 9 to 14.
3. On page 14, line 22 strike "13" and insert "12"; in line 23 strike "14" and insert "13"; and in line 24 strike "15" and insert "14".
4. On page 15, strike beginning with "and" in line 2 through "are" in line 5 and insert "is".

5. In the title, strike beginning with "section" in line 5 through "1977," in line 8; in line 16 strike "sections" and insert "section, and also sections 77-1231.01, 77-1242, 77-1251 to 77-1261, and 77-1263 to 77-1268, Reissue Revised Statutes of Nebraska, 1943, and section 77-1262, Revised Statutes Supplement, 1976,".

Motion pending.

Laid over until this afternoon.

The Public Works Committee asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 533. Mr. Schmit withdrew his amendments Nos. 1 and 2 found in the Journal on page 1963.

Mr. Nichol renewed his pending amendment found in the Journal on page 1973.

The Nichol amendment lost with 16 ayes, 18 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Simon moved to reconsider action on the Nichol amendment.

Mr. Nichol moved for a Call of the House. The motion prevailed with 21 ayes, 4 nays, and 24 not voting.

Mr. Nichol requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 23:

Barnett	Boughn	Brennan	DeCamp	Fitzgerald
Goodrich	Hefner	Kahle	Keyes	Koch
Labedz	F. Lewis	Luedtke	Maresh	Maxey
Merz	Mills	Murphy	Newell	Nichol
Reutzel	Savage	Schmit		

Voting in the negative, 22:

Bereuter	Burrows	Chambers	Clark	Cope
Cullan	Fowler	George	Hasebroock	Kelly
Kremer	Lamb	R. Lewis	Marsh	Marvel
Moylan	Rasmussen	Rumery	Simon	Stoney
Swigart	Warner			

Present and not voting, 3:

Carsten	Dworak	Venditte

Excused and not voting, 1:

Duis

The motion lost with 23 ayes, 22 nays, 3 present and not voting, and 1 excused and not voting.

Mr. Barnett moved the Call be raised. The motion prevailed with 19 ayes, 2 nays, and 28 not voting.

Mr. George offered the following amendment:

AMENDMENT TO LB 533

Purpose: To add an Agronomist to the Institute of Agriculture and Natural Resources budget in the amount of $45,120.

(1) On page 24, line 6, strike "16,075,567" and insert "16,120,687"; and on line 10, strike "24,452,831" and insert "24,497,951".

(2) On page 24, line 11, strike "249,500" and insert "294,620".

(3) On page 24, after line 17, insert:

"(c) Improvement

(i) Agronomist -- Soil Management and Water Movement 45,120

The Legislature authorizes the Institute of Agriculture and Natural Resources to exceed the personal service limitations as shown for Program 715 to the extent those expenditures identified under the above specified improvement classification, shown as subsection (c), are expended for personal services.".

(4) On page 26, line 14, strike "46,169,226" and insert "46,214,346"; and on line 18, strike "72,041,923" and insert "72,087,043".

The amendment lost with 11 ayes, 16 nays, 21 present and not voting, and 1 excused and not voting.

Mr. Warner renewed his pending amendment found in the Journal on page 2011.

Mr. Warner moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Warner amendment lost with 19 ayes, 21 nays, 8 present and not voting, and 1 excused and not voting.

Mr. Merz moved the Call be raised. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.

Mr. Merz asked unanimous consent to be excused. No objections. So ordered.

Mr. Carsten offered the following amendment:

AMENDMENT TO LB 533

1. In the third set of committee amendments found in the Journal on page 1954, strike amendment (2).

Mr. Carsten moved for a Call of the House. The motion prevailed with 20 ayes, 1 nay, and 28 not voting.

The Carsten amendment was adopted with 25 ayes, 13 nays, 9 present and not voting, and 2 excused and not voting.

Mr. Carsten moved the Call be raised. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 33, 182, 263, and 263A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 33, 182, 263, and 263A.

RESOLUTIONS

LEGISLATIVE RESOLUTION 106.

Introduced by Bereuter, 24th District.

WHEREAS, Nebraska State Government is a large, diversified, and continually expanding; and

WHEREAS, the state's present organizational structure is complex, with numerous similar or related functions being performed concurrently by several agencies, departments, commissions, boards and divisions; and

WHEREAS, the simplicity and efficiency of the administration of state government may be largely hindered by these numerous state agencies and the duplication of such prescribed functions; and

WHEREAS, effective and economical state government has not been of primary concern in creating these various agencies and resulting duplicative functions; and

WHEREAS, improving the effectiveness of government without curtailing necessary services would require careful examination; and

WHEREAS, the Appropriation Committee has begun to study the organization of the delivery of human services by state government.

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

1. That the Appropriations Committee continue its examination of those agencies delivering human services so as to review completely and systematically each such agency, board, commission, and division, its functions, activities, and services, including an identification of major programs and related costs, program relationships, dependencies, and duplications.

2. That the Appropriations Committee further continue its examination of such agencies' overall effectiveness and efficiency in program implementation.

3. That the Appropriations Committee hold any hearings and conduct such interviews as are deemed necessary to provide for both agency and citizen input.

4. That the Appropriations Committee present a detailed report of its findings, conclusions, and recommendations to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 107.

Introduced by Bereuter, 24th District; Kelly, 35th District.

WHEREAS, the State of Nebraska, the federal government, and numerous local governments operate various testing laboratories throughout the state; and

WHEREAS, the Department of Agriculture, the Department of Health, the Department of Revenue, the State Patrol, the Department of Environmental Control, the Game and Parks Commission, the University of Nebraska, and the Department of Administrative Services are involved in laboratory testing or the facilitation of such testing; and

WHEREAS, laboratory testing operations provide numerous highly technical services; and

WHEREAS, these services are very important to the public health and well-being of the citizens of the state; and

WHEREAS, these operations contribute to the economic well-being of the state; and

WHEREAS, laboratory testing work required by the agencies has certain common areas of expertise, equipment and facilities; and

WHEREAS, laboratory testing is highly related to special outbreaks of pathological conditions and events requiring variable workloads on laboratory personnel.

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

1. That the Executive Board of the Legislative Council appoint a special committee of the Legislature to conduct an interim study to investigate the operation of all testing laboratories--state, local and private.

2. That such special committee investigate the management coordination and cooperation of various laboratory testing programs.

3. That such special committee investigate the funding sources and laboratory expenses to determine the degree of stability of such laboratory testing services.

4. That such special committee investigate the programs offered by such laboratories to determine the degree of public acceptance and adequacy of such programs.

5. That such special committee investigate the feasibility of contracting testing with other governmental or private entities.

6. That at the conclusion of the study, such special committee shall submit a report of its findings, together with any legislative recommendations, to the Legislature for its consideration.

Referred to the Executive Board.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 13, 1977, at 11:30 a.m., were the following bills: 33, 182, 263, and 263A.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT–Print Amendment to LB 550

Mr. Duis asked unanimous consent to print the following amendment to LB 550 in the Journal. No objections. So ordered.

To amend LB 550 on Select File Page 2 Program No. 127 Line 16 613,802 to 638,802 Line 17 613,802 to 638,802
For the purpose of 1 Revisor of Administrative Rules and Regulations and 1 secretary

UNANIMOUS CONSENT–Print Amendments to LB 531

Mr. Schmit asked unanimous consent to print the following amendments to LB 531 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 531

PURPOSE: To provide $33,300 General Fund for two additional probation officers and two clerical support personnel to the Statewide Probation Field Services.

(1) On page 4, line 20, strike "1,422,878" and insert "1,456,178"; and on line 21, strike "1,422,878" and insert "1,456,178".

(2) On page 4, line 23, strike "1,397,000" and insert "1,430,300"; on line 24, strike "1,275,500" and insert "1,305,700"; and on lines 25 and 26, strike the words "create new probation officer positions,".

(3) On page 5, line 24, strike "1,552,502" and insert "1,585,802"; and on line 26, strike "1,562,502" and insert "1,595,802".

UNANIMOUS CONSENT–Members Excused

Messrs. Carsten and R. Lewis asked unanimous consent to be excused this afternoon. No objections. So ordered.

VISITORS

The President introduced 7 kindergarten through sixth grade students, teachers, and parents from District 52, Otoe County, Nebraska City; 20 fourth grade students and teachers from Beatrice-Lincoln Elementary School, Beatrice, Nebraska; 30 students and teacher from Superior, Nebraska; 30 students and teacher from Papillion, Nebraska; 34 students and teachers from Trumble Park Terra Heights in Papillion, Nebraska; 37 students and teachers from Uehling, Nebraska; 16 students and teachers from Newman Grove, Nebraska; and 28 students and teacher from Hanover, Kansas.

RECESS

At 12:09 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:35 p.m., Mr. Kelly presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Carsten, Duis, R. Lewis, and Hasebroock who were excused; and Messrs. Marvel and Rasmussen who were excused until they arrive; and Messrs. Fowler, George, F. Lewis, Newell, Rumery, Simon, and Mrs. Labedz who were absent until they arrive.

PRESIDENT WHELAN PRESIDING

SELECT FILE

LEGISLATIVE BILL 533. Considered.

Mr. Maresh offered the following amendment:

To amend LB 533 by inserting on Page 24 after line 17, (VI) County Extension Agents $78, 462

The amendment lost with 11 ayes, 11 nays, 13 present and not voting, 7 absent and not voting, and 6 excused and not voting.

Mr. George offered the following amendment:

AMENDMENTS TO LB 533

PURPOSE: To establish a mechanism, within the University for the systematic collection of data that would record the history of ethnic subcultures in Nebraska and adjacent areas by adding a Folklore Specialist to the University of Nebraska-Lincoln campus in the amount of $19,000.

(1) On page 22, line 3, strike "25,982,512" and insert "26,001,512" and on line 7, strike "43,451,620" and insert "43,470,620".

(2) On page 22, line 8, strike "275,592" and insert "294,592".

(3) On page 22, after line 17, insert:

"(c) Improvement

(i) Folklore 19,000".

(4) On page 23, line 22, strike "35,268,753" and insert "35,282,753" and on line 23, strike "31,988,871" and insert "32,002,871".
(5) On page 26, line 14, strike "46,169,226" and insert "46,188,226" and on line 18, strike "72,041,923" and insert "72,060,923".

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 5 nays, and 20 not voting.

Mr. George moved for a Call of the House. The motion lost with 13 ayes, 15 nays, and 21 not voting.

The George amendment lost with 10 ayes, 18 nays, 12 present and not voting, 4 absent and not voting, and 5 excused and not voting.

Advanced to E & R for Engrossment with 27 ayes, 2 nays, 11 present and not voting, 4 absent and not voting, and 5 excused and not voting.

MOTION–Suspend Rules

Speaker Luedtke moved to suspend Rule 3, Sec 19, to unbracket and consider LB 546, 547, 548, 549, and 550 on General File. The motion prevailed with 31 ayes, 0 nays, 11 present and not voting, 3 absent and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 548. Title read. Considered.

Mr. Marvel offered the following amendments:

AMENDMENTS TO LB 548

1. Strike the original sections and insert the following:

"Section 1. It is the intent of the Legislature that a single state agency shall, in cooperation with other state agencies and political subdivisions, carry out the provisions of Public Law 94-519.

Sec. 2. The Department of Roads shall be responsible for the creation and implementation of a state plan to comply with Public Law 94-519 dealing with surplus and excess property. The Department of Roads shall prepare the plan, implementation procedure, and rules and regulations, as necessary to implement this act. The final plan shall be submitted to the Executive Board of the Legislative Council on or before January 1, 1978.

Sec. 3. On or before March 1, 1978, the Legislature shall review the plan submitted pursuant to section 2 of this act as required by the Administrative Procedures Act. If no recommendations for changes are made prior to March 1, such failure to act shall be construed as Legislative approval.

Sec. 4. Effective October 17, 1977, all property, assets, and liabilities relating to those federal surplus and excess property programs which are consolidated by Public Law 94-519 and operated by the individual state agencies in the State of Nebraska shall be transferred to the Department of Roads.

Sec. 5. That section 81-907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-907. The State of Nebraska, its political subdivisions and instrumentalities, and tax-supported institutions are authorized to purchase or receive surplus property from the government of the United States or any government agency thereof. ~~, under and pursuant to the terms of the Surplus Property Act of 1944, and any amendments thereto, enacted by the Congress of the United States.~~

Sec. 6. That section 81-909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-909. ~~The Purchasing Agent~~ Department of Roads of the State of Nebraska shall, upon behalf of the state, and may, upon behalf of any political subdivision, instrumentality and tax-supported institution of the state, be designated to act for the ~~purchaser~~ recipient and negotiate with the appropriate agencies and institutions ~~Surplus Property Board~~ of the United States for the purchase or receipt of surplus property under such regulations as may be prescribed by federal law. ~~under the Surplus Property Act of 1944, and any amendments thereto.~~

Sec. 7. That section 81-910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-910. The Department of Education shall cooperate with and assist the public schools and public educational institutions in securing funds, services, and commodities ~~and equipment~~ which may be made available to them by the federal government or its agencies.

Sec. 8. That section 81-911, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-911. A copy of all contracts, agreements or arrangements made by any public school or public educational institution, under the supervision of the Department of Education, in securing funds, services, and commodities ~~and equipment~~ from the federal government or its agencies, as provided by section 81-910, shall be filed in the office of the department. Any federal funds ~~or equipment~~ made available for public schools in this state shall be channeled through the department and be administered in conformity with the laws of this state.

Sec. 9. That section 81-912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-912. There is hereby established in the Department of Roads a revolving fund to be known as the Federal Surplus Property Fund. The Director of Administrative Services, upon receipt of proper vouchers approved by the ~~Commissioner of Education~~ Department of Roads, shall issue his warrants out of the Federal Surplus Property Fund for the purpose of administering the program and for purchasing, packing, handling and transportation of ~~commodities and~~ equipment from the federal government as provided by section ~~81-910~~ 2 of this act, but never in excess of the amount specifically appropriated. All receipts ~~from schools~~ for purchasing, packing, handling and transportation of such commodities and equipment shall be paid to the State Treasurer and credited to the Federal Surplus Property Fund. Any money in the Federal Surplus Property Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 10. There is hereby appropriated all receipts not to exceed one hundred fifty thousand dollars from the Federal Surplus Property Fund for the period July 1, 1977, to June 30, 1978, to the Department of Roads, Agency No. 27.

Sec. 11. All employees employed in those federal surplus and excess property programs which are consolidated by Public Law 94-519 may be transferred to the Department of Roads. All employees so transferred shall be: (1) Employed under and compensated through the State Personnel System; and (2) considered as new employees solely for purposes of performance evaluation and subject to all applicable policies and procedures for such transfer. All employees so transferred shall keep all accrued benefits such as sick leave, vacation leave,

and retirement benefits after such transfer has been completed.

Sec. 12. The Department of Roads shall adopt and promulgate rules and regulations necessary to carry out this act.

Sec. 13. This act shall become operative on July 1, 1977.

Sec. 14. That original sections 81-907, 81-909, 81-910, 81-911, and 81-912, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 15. 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 beginning with "and" in line 4 through "1976," in line 5; strike line 8; and in line 9, strike "Administrative Services" and insert "Department of Roads".

The amendments were adopted with 30 ayes, 1 nay, 11 present and not voting, 3 absent and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 33 ayes, 0 nays, 9 present and not voting, 3 absent and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 550. Title read. Considered.

Mr. Warner renewed his pending amendment found in this day's Journal on page 2025.

The amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 309. Title read. Considered.

Standing Committee amendments printed separate from the Journal (Req. No. 2573) and referred to in the Journal on page 1455 for the Sixty-Third Day were adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 309A. Title read. Considered.

Mr. Warner renewed his pending amendment found in the Journal on page 1985.

The amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for Review with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Clark asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 546. Title read. Considered.

Mr. Warner offered the following amendment:
PURPOSE: To correct editing errors in the original bill.
(1) On page 4, line 4, strike "906,"; and on line 6 strike "; and" and insert ". Included in the reappropriation for Program 900 is $10,000 from the State Building Fund to be used specifically for the development of a capital environs landscaping plan.".
(2) On page 6, line 14, strike "835,000" and insert "836,000".
(3) On page 3, line 12, after "renovations," insert "improvements,".

The amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

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

LEGISLATIVE BILL 549. Title read. Considered.

Mr. Warner offered the following amendment:
Purpose: To correct editing errors in the original bill.
On page 11, line 21, insert after "Fund", "for the fiscal year ending June 30, 1978,";
On page 12, line 18, strike "plan motification of" insert "modify";
On page 13, line 7, strike "536" and insert "546"; line 17 after "York" insert, "with options for additional capacity,";
On page 17, line 25, strike "525,000" and insert "575,000";
On page 22, line 6 and 9, insert after "Fund", "for the fiscal year ending June 30, 1978,".

The amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. F. Lewis renewed his pending amendment found in the Journal on page 1971.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

The F. Lewis amendment lost with 12 ayes, 17 nays, 16 present and not voting, and 4 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 108.

Introduced by Business and Labor Committee: Maresh, 32nd District, Chairman; Lamb, 43rd District; F. Lewis, 45th District; Rasmussen, 41st District; Murphy, 17th District; Fitzgerald, 14th District; Brennan, 9th District.

WHEREAS, an agreement has been reached by the State Game and Parks Commission and the Nebraska Association of Public Employees, Game and Parks Chapter No. 8 and that contract has been submitted to the Legislature for approval consistent with the requirements of Section 48-837, and,

WHEREAS, there is no infringement in the Legislature's fiscal obligation or budgetary powers, and,

WHEREAS, the contract does not abrogate any statute or substantive law and does represent the product of good faith bargaining.

NOW THEREFORE BE IT RESOLVED THAT THE 85th LEGISLATURE approves the agreement described above between the State Game and Parks Commission and the Nebraska Association of Public Employees, Game and Parks Chapter Eight for the purposes of R.R.S. Section 48-837.

Laid over.

LEGISLATIVE RESOLUTION 109.

Introduced by Public Health Committee: Moylan, 6th District, Vice Chairman; Boughn, 21st District; Brennan, 9th District; Rasmussen, 41st District; Maresh, 32nd District; Kelly, 35th District.

WHEREAS, the continuing availability of quality nursing home services for persons in the State of Nebraska is a matter of concern of the Legislature; and

WHEREAS, many persons receiving nursing home services in Nebraska also receive public welfare assistance from the State of Nebraska and its counties; and

WHEREAS, the Department of Health and the Department of Public Welfare often issue separate regulations bearing upon similar subjects in the nursing home care field; and

WHEREAS, unnecessary duplication or disparity between regulations of the two departments may adversely effect the efficiency, economy and quality of nursing home care; and

WHEREAS, the validity of the Department of Public Welfare regulation entitled "Nebraska Plan for Determining Welfare Per Diem Rates for Nursing Home Providers Under the Title XIX Medical Assistance Program" is presently in litigation in the United States District Court for the District of Nebraska.

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

1. That the Public Health and Welfare Committee be charged with the review of the coordination of regulations of the Departments of Health and Public Welfare and the impact of such regulations on the efficiency, economy, and quality of care in Nebraska nursing homes to determine (1) the amount and nature of unnecessary duplication or disparity in the regulations of the departments, (2) whether unnecessary duplication or disparity has an adverse effect on the economy, efficiency or quality of nursing home services in the State of Nebraska, and (3) whether further legislative action in this area is necessary.

2. That the committee jurisdiction under this resolution does not extend to the Department of Public Welfare regulation entitled "Nebraska Plan for Determining Welfare Per Diem Rates for Nursing Home Providers Under the Title XIX Medical Assistance Program".

3. That the results of such review be reported to the next regular session of the Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 93
May 13, 1977

Dear Senator Koch:

In your letter to this office as of this date, you state that LB 33 was passed by the Legislature and that LB 33A is being considered. You ask if it is necessary for the Legislature to pass LB 33A for the funding of LB 33. We have reviewed section 7(4) of LB 33. This generally appropriates a sum of money from the General Fund for the 1977-78 fiscal year and another sum for the 1978-79 fiscal year to the State Department of Education,

Agency No. 13, for Program 143, to aid in carrying out the provisions of this act. We have reviewed the provisions of LB 33A and except for the breaking down of the allocation into two sections, it appears to be essentially the same as section 7(4) of LB 33. This being true, LB 33A would not be needed.

There is a cautionary note. All these sections referred to do is place the money from the General Fund into a special fund, that special fund being the School Foundation and Equalization Fund. In order to actually distribute the funds, there must be an appropriation of the moneys in the School Foundation and Equalization Fund for the statutory purposes desired. We are advised that this has been done in the Appropriation Committee amendments II to LB 532 as appears by requisition 2622. Your attention is invited to page 13, section 19, of those amendments. Whether or not this will accomplish what you intend, is a matter which you should discuss with your legislative fiscal analyst.

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. 94
May 13, 1977

Dear Senator Maxey:

You have requested our opinion on the constitutionality of a portion of section 9 of LB 518, Eighty-fifth Legislature, First Session, presently on final reading, specifically subsection (r). Section 9 of LB 518 amends section 77-2704, R.S.Supp., 1976, by adding a section exempting certain property. Subsection (r) of LB 518 provides:

> "All items of tangible personal property purchased from institutionally-operated stores, canteens, and hobby shops by inmates, residents, or clients of such state institutions. Such exemption shall not apply to the employees of state institutions."

The Constitution of Nebraska in Article VIII, section 1 provides in part:

> "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. . . ."

We believe that this section is broad enough to allow those exemptions contained presently in section 77-2704 and additionally would not preclude the proposed amendment contained in LB 518 above cited.

We do however wish to make note of the fact that LB 518 is a bill that primarily relates to property taxation and the refunding of property tax lost thorough legislative enactments to subdivisions of government. As such, it is necessary to consider the effect of Article III, section 14 of the Constitution of the State of Nebraska which provides in part:

> ". . . No bill shall contain more than one subject, and the same shall be clearly expressed in the title. . . ."

However, even though this provision must be considered in your determination on this act we would bring to your attention the case of Anderson v. Tiemann, 182 Neb. 393, 155 N.W.2d 322. A case in which the Supreme Court considered the Nebraska Sales and Income Tax Act of 1967 and found that that act did not violate this provision of the Constitution. The attack in that case was that the enacting bill contained provisions for sales tax, use tax, income tax and a franchise tax. The court there heldthat the bill contained but one general subject and that was taxation. It did therefore not violate the Constitutional provision. While a slightly different question is presented here in that we have a bill which deals with the reimbursement of taxes lost by local subdivisions due to property tax exemptions, it does in our opinion fall within the terms of Anderson v. Tiemann, supra, and therefore is not violative of the constitutional provision restricting bills to one subject.

Respectfully submitted,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

BILL ON FIRST READING

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

LEGISLATIVE BILL 52A. By DeCamp, 40th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 52, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

UNANIMOUS CONSENT—Print Amendment to LB 550

Mr. Stoney asked unanimous consent to print the following amendment to LB 550 in the Journal. No objections. So ordered.

To Amend LB 550 Page 2, Lines 24 and 25 from 147,080 to 117,080 Page 3 Lines 9 and 10 from 3,399,832 to 3,369,832

UNANIMOUS CONSENT—Bracket LB 202

Mr. Simon asked unanimous consent to bracket LB 202 until January 10, 1978.

Mr. Clark objected.

Mr. Simon moved to bracket LB 202 until January 10, 1978.

The motion lost with 16 ayes, 15 nays, 14 present and not voting, and 4 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 549. Considered.

Mr. Rasmussen renewed his pending amendment found in the Journal on page 1985.

The amendment lost with 14 ayes, 15 nays, 16 present and not voting, and 4 excused and not voting.

Mr. Clark asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Schmit offered the following amendment:
Purpose: To increase capital construction appropriation for Tractor Testing Facility.
(1) On page 19, line 3, strike "a" and insert after "construct": "an Agricultural Engineering Building-".
(2) On page 19, lines 4 and 5, insert a period after "facility." and strike the balance of the sentence.

(3) On page 19, line 7, insert after "1978", "and $340,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1979".

Mr. Kahle moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Fowler requested a division of the Schmit amendment as follows: to vote on amendment (1) separate and amendments (2) and (3) together.

The Schmit amendment (1) as divided was adopted with 25 ayes, 11 nays, 8 present and not voting, and 5 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused for one hour. No objections. So ordered.

The Schmit amendment (2) and (3) as divided were adopted with 25 ayes, 13 nays, 6 present and not voting, and 5 excused and not voting.

The Schmit amendments were adopted with 27 ayes, 13 nays, 5 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Nichol offered the following amendment:

To insert an additional section "the Game and Parks Department is hereby authorized to construct building, ramps and wells as described in the 1973 plan by the Game and Parks Department at Lake Minatare. There is hereby appropriated $120,000.00 from the state building fund for the fiscal year ending June 30, 1978. There is hereby appropriated $250,000 from the state building fund for the fiscal year ending June 30, 1979, to complete the project.

Mr. Nichol moved for a Call of the House. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Nichol requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Barnett	Boughn	Brennan	Cope	Cullan
DeCamp	Fitzgerald	Goodrich	Hefner	Kahle
Koch	F. Lewis	Luedtke	Merz	Mills
Murphy	Newell	Reutzel	Schmit	

Voting in the negative, 21:

Bereuter	Burrows	Dworak	Fowler	Kelly
Keyes	Kremer	Lamb	Maresh	Marsh
Marvel	Maxey	Moylan	Nichol	Rumery
Savage	Simon	Stoney	Swigart	Venditte
Warner				

Present and not voting, 2:

Chambers	George

Excused and not voting, 7:

Carsten	Clark	Duis	Hasebroock	Labedz
R. Lewis	Rasmussen			

The Nichol amendment lost with 19 ayes, 21 nays, 2 present and not voting, and 7 excused and not voting.

Mr. Simon moved the Call be raised. The motion prevailed with 25 ayes, 3 nays, and 21 not voting.

Mr. Simon offered the following amendment:
To appropriate $100,000 for a community swimming pool in Elkhorn, Nebraska

Mr. Simon withdrew his amendment.

Advanced to E & R for Review with 26 ayes, 2 nays, 14 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Committee on Committees

May 13, 1977

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.

Paul F. Harm
Environmental Control Council

Mr. Dan Drain appeared in support of Mr. Harm's reappointment. Mr. Drain is Director of the Environmental Control Council. No one appeared in opposition.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

Mr. Richard Veach
Environmental Control Council

Mr. Dan Drain, Director of Environmental Control, appeared in support of Mr. Veach's reappointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

Mr. Wendell Gangwish
Environmental Control Council

Mr. Dan Drain, Director of Environmental Control Council and Senator Cope appeared in support of Mr. Gangwish's reappointment.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

Mr. L. E. Donegan
Environmental Control Council

Mr. Dan Drain, Director of Environmental Control Council and Senators Cope and Marsh appeared in support of Mr. Donegan's reappointment. No one appeared in opposition.

Dr. David Smith
Environmental Control Council

Mr. Dan Drain, Director of Environmental Control Council appeared in support of Mr. Smith's reappointment.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

Mr. William M. Whitmer
State Electrical Board

No one appeared in support of Mr. Whitmer's appointment. No one appeared in opposition.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

Dr. James H. Walston
Environmental Control Council

Dr. Walston was unable to be present at the scheduled hearing and Senator Murphy appeared in support of Dr. Walston's reappointment. It was the decision of the Committee on Committees to approve Dr. Walston's reappointment.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

Mr. Charles E. Blair
Nebraska Investment Council

Mr. Blair was unable to be present at the scheduled hearing and Senator Cope appeared in support of Mr. Blair's reappointment. No one appeared in opposition. It was the decision of the Committee on Committees to approve Mr. Blair's reappointment.

Committee Vote: For: (8) Senators Marsh, Burrows, Labedz, Moylan, Dworak, Murphy, Cope, and Carsten. Against: None. Not Voting: None. Excused: (6) Senators Koch, F. Lewis, Mills, Savage, DeCamp, and Rasmussen. Absent: None.

(Signed) John S. Savage, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 110.

Introduced by Bereuter, 24th District.

WHEREAS, the size of current hospital expenditures is such that they affect all Nebraskans wherever they may live; and

WHEREAS, health care costs have been rising at more than twice the national inflation rate; and

WHEREAS, every citizen in the State of Nebraska should have the right (and privilege) to scrutinize the quality of hospital care benefits and the accompanying costs; and

WHEREAS, it is important that public agencies have a wide range of information upon which to base judgments relating to hospital issues; and

WHEREAS, such information is not readily available now in comparable, certified, or usable form;

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

1. That the Public Health and Welfare Committee conduct an interim study into the reason for escalating hospital costs with special consideration of the effect of overbuilding, inappropriate equipment expenditures and low utilization rates.

2. That the committee make a report of its findings together with recommendations for possible legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Print Amendment to LB 546

Mr. Fowler asked unanimous consent to print the following amendments to LB 546 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 546

1. At the end of section 5 insert:

It is the intent of the Legislature that, within the appropriation to construct the Lancaster County Project, the Department of Correctional Services shall designate and plan to operate one unit as a chemical dependency unit.

2. At the end of section 6 insert:

It is the intent of the Legislature that, within the appropriation to construct the Omaha Area Project, the Department of Correctional Services shall designate and plan to operate one unit as a chemical dependency unit.

UNANIMOUS CONSENT—Print Amendments to LB 212

Mr. Kremer asked unanimous consent to print the following amendments to LB 212 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 212

1. On page 2, line 12 after the underscored period insert "For administrative purposes only, such board shall be within the Department of Correctional Services. Nothing in this act shall be construed to

give the Director of Correctional Services any authority, power, or responsibility over the board or the exercise of its functions under this act."

2. Insert a new section as follows:

"Sec. 7. There is hereby appropriated five thousand four hundred dollars from the General Fund for the period of July 1, 1977 to June 30, 1978, to the Department of Correctional Services, Agency No. 46 for Program 386, to pay the expenses of the Jail Standards Board.".

3. Renumber original section 7 as section 8.

BILL ON FIRST READING

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

LEGISLATIVE BILL 540A. By F. Lewis, 45th District.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 540, Eighty-fifth Legislature, First Session, 1977; and to declare an emergency.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 540. Placed on General File as amended.
Standing Committee amendments to LB 540:

1. On page 2, line 8 strike "sixteen" and insert "ten".

2. On page 3, line 8 strike "seven" and insert "five" and after "dollars" insert "and fifty cents"; line 9 strike "sixteen" and insert "ten"; and in line 24 strike "nine" and insert "seven".

3. On page 4, strike beginning with "No" in line 20 through the underscored period in line 22.

(Signed) F. Lewis, Chairman

UNANIMOUS CONSENT—Member Excused

Mr. Bereuter asked unanimous consent to be excused the remainder of the day. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 111.

Introduced by Maresh, 32nd District.

WHEREAS, there exists many miles of gravel highways in the state which are maintained by the state; and

WHEREAS, certain counties in which these highways are located have expressed a desire to have such highways hard surfaced; and

WHEREAS, the Department of Roads requires that all state hard-surfaced highways meet certain construction specifications; and

WHEREAS, state highway speed limits are of a nature that such highways may be constructed in accordance with lesser specifications; and

WHEREAS, a reduction in specifications and size of the state highways would have a favorable impact on the environment.

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

1. That the Public Works Committee conduct an interim study of the feasibility of reducing the construction specifications of certain state hard-surfaced highways.

2. That the committee report the results of such study to the next regular session of the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 545. Title read. Considered.

Standing Committee amendments found in the Journal on page 1938 for the Eightieth Day were considered.

Mr. Warner moved for a Call of the House. The motion prevailed with 15 ayes, 1 nay, and 33 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Standing Committee amendments were adopted with 30 ayes, 2 nays, 9 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 547. Title read. Considered.

Advanced to E & R for Review with 27 ayes, 4 nays, 10 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 112.

Introduced by Cope, 36th District; F. Lewis, 45th District.

WHEREAS the Statutes of the State of Nebraska provide for the charging of non-resident fees to each non-resident of Nebraska attending state educational institutions; and

WHEREAS the present laws appear to be unclear in some respects concerning those entitled to pay resident tuition rates; and

WHEREAS the present laws appear to contain some inequities in their applicability; and

WHEREAS present projected declines in enrollment make it desirable to re-examine non-resident tuition requirements; and

WHEREAS the desire to effectively utilize the resources of the State of Nebraska make it desirable to explore reciprocal tuition arrangements with neighboring states:

NOW, THEREFORE, BE IT RESOLVED by the members of the Eighty-Fifth Legislature of Nebraska, First Session:

1. That the following items be studied by the Education Committee of the Legislature in relation to State educational institutions:

(a) Whether and to what extent non-resident tuition or matriculation fees should be charged non-residents of this state;

(b) What persons should be classified as residents and non-residents if non-resident tuition and matriculation fees are to continue;

(c) Determination of any ambiguities and inequities or deficiencies in existing laws relating to the subject;

(d) Legislation to correct any current defects in existing law or to implement a new or different approach to the question.

2. That at the conclusion of this study the Education Committee make a report of its findings to the next regular session of the Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 540. Title read. Considered.

Standing Committee amendments found in this day's Journal on page 2050 were adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 540A. Title read. Considered.

Advanced to E & R for Review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

MOTION – Overrule Speaker's Order

Mr. Swigart moved to overrule the Speaker's order and consider LB 402 on General File.

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 Swigart motion lost with 14 ayes, 19 nays, 8 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 52A. Title read. Considered.

Advanced to E & R for Review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

UNANIMOUS CONSENT – Print Amendments to LB 204

Mr. Venditte asked unanimous consent to print the following amendments to LB 204 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 204

1. Insert a new section to read:

"Sec. 29. Any person who shall operate or be in the actual physical control of any motor vehicle, while under the influence of alcoholic liquor or of any drug or while having ten hundredths of one per cent by weight of alcohol in his or her body fluid as shown by chemical analysis of his blood, breath, or urine, and who shall be involved in any personal injury accident, shall be punished as follows:

(1) If such conviction is for a first offense, such person shall be imprisoned in the county jail for not more than one year, or shall be fined not more than one thousand dollars, or be both so fined and imprisoned, and the court may, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of six months from the date of his final discharge from the county jail, or the date of payment or satisfaction of such fine, whichever is the later, and may order that the operator's license of such person be revoked for a like period.

(2) If such conviction is for a second offense such person shall be guilty of a felony and shall be imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than five years and the court may, as part of the penalty, order such person not to drive any motor vehicle for a period of one year from the date of his final discharge from the Nebraska Penal and Correctional Complex, and may order that the operator's license of such person be revoked for a like period.".

2. Renumber subsequent sections accordingly.

MOTION—Suspend Rules

Mr. Barnett moved to suspend the rules to consider all priority bills on General File.

VISITORS

The President introduced 18 students and teacher from Liberty, Nebraska; Senator Ken Jones from Yankton, South Dakota; 63 students and teacher from Tarkio Junior High from Tarkio, Missouri; 27 students and teacher from District 1—R, Grand Island, Nebraska; 35 students and teachers from Columbus, Nebraska; 32 students and teacher from Raymond Central, Valparaiso, Nebraska; 35 students and teacher from Stolley Park Elementary, Grand Island, Nebraska; 25 students and teacher from St. Paul Lutheran, Beatrice, Nebraska; 30 students and teacher from Johnson, Nebraska.

ADJOURNMENT

At 4:50 p.m., Speaker Luedtke moved to adjourn until 10:00 a.m., Monday, May 16, 1977.

The motion prevailed with 19 ayes, 15 nays, and 15 not voting.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 16, 1977

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Robert B. Ohman, from Westminster Presbyterian Church, Lincoln, Nebraska.

> Lord God, be real to each one of us today, so that we can be aware how near You are and how practical Your help may be. Deliver us from going through the motions as though the end is inevitable.
>
> Save us from the inertia of futility.
>
> Renew our spirits with adventuresome faith.
>
> Give us nerve and zest for living, with courage for the difficulties of peace.
>
> Through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. F. Lewis, Kelly, and Goodrich who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Third Day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 131. Replaced on Select File as amended.
E & R amendments to LB 131:

1. Insert the Koch amendment as a new sub-

section (4) on page 4, after line 27 of the DeCamp specific amendments.

2. In the DeCamp specific amendments, page 1, line 21, strike "of such county".

3. On page 2, insert a comma after "Commissioner" in line 12, "date" in line 14, and "shall" in line 22.

LEGISLATIVE BILL 52. Placed on Select File as amended.
E & R amendments to LB 52:

1. On page 3, line 5, insert "or" after the third comma.

2. On page 4, line 8, strike the comma.

3. For correlation purposes, in committee amendments, page 1, line 16, insert ", as amended by section 2, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977" after "1976"; and in line 20, strike "eight" and insert "nine".

4. For correlation purposes, in committee amendments page 2, line 9, insert ", as amended by section 3, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977" after "1976"; in lines 11 and 19, strike "eight" and insert "nine"; insert "~~August~~" at the end of line 15; and in line 16, strike "~~1973~~" and insert "~~1977~~".

5. In committee amendments, page 2, line 16, strike "three" and insert "four"; in line 18, strike "of" and insert "~~of~~ whose purity shall be"; and in lines 18 and 19 strike "one hundred ninety proof" and show stricken and insert "ninety-nine per cent alcohol".

6. In committee amendments, page 3, line 2, insert ", as amended by sections 2 and 3, respectively, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977" after "1976".

7. In the title, line 7, insert "to amend sections 66-410 and 66-428, Revised Statutes Supplement, 1976, as amended by sections 2 and 3, respectively, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977; to change the provisions of fuel containing an alcohol blend; to repeal the original sections;" after the semicolon.

(Signed) Samuel K. Cullan, Chairman

COMMUNICATION ON LB 110

May 16, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 110

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 110, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

ANNOUNCEMENT

Mr. Rumery announced Senator Moylan received the Duke Snyder award by the Nebraska Federation of the Blind.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 347.

A BILL FOR AN ACT to amend section 60-452.01, Revised Statutes Supplement, 1976, relating to the Nebraska State Patrol; to provide a cost-of-living increase for retired patrolmen; to change the computation of annuities; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	DeCamp	Duis
Fitzgerald	Fowler	George	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
R. Lewis	Luedtke	Maresh	Marsh	Maxey
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Venditte		

Voting in the negative, 6:

Clark	Cullan	Dworak	Lamb	Marvel
Stoney				

Present and not voting, 1:

Merz

Excused and not voting, 4:

Goodrich	Kelly	F. Lewis	Warner

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

LEGISLATIVE BILL 347A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 347, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Cope	DeCamp	Duis	Fitzgerald
Fowler	George	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	Labedz	R. Lewis
Luedtke	Maresh	Marsh	Maxey	Merz
Mills	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Swigart	Venditte			

Voting in the negative, 6:

Clark	Cullan	Dworak	Lamb	Marvel
Stoney				

Present and not voting, 2:

Brennan Moylan

Excused and not voting, 4:

Goodrich Kelly F. Lewis Warner

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

MOTION—Return LB 518 to Select File

Mr. Schmit asked unanimous consent to withdraw his pending motion found in the Journal on page 2027 to return LB 518 to Select File for a specific amendment. No objections. So ordered.

Mr. Schmit asked unanimous consent to have LB 518 laid over on Final Reading. No objections. So ordered.

MOTION—Return LB 531 to Select File

Mr. Schmit moved to return LB 531 to Select File for the specific amendment found in the Journal on page 2033.

Mr. Chambers asked unanimous consent to have the motion laid over. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 104. Read and considered.

LR 104 was adopted with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 108. Read and considered.

LR 108 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 4. Mr. DeCamp withdrew his specific amendment found in the Journal on page 1999.

Advanced to E & R for Re-Engrossment with 25 ayes, 16 nays, 5 present and not voting, and 3 excused and not voting.

Mr. DeCamp withdrew his pending amendment found in the Journal on page 2009.

MOTION—Return LB 4 to Select File

Mr. DeCamp moved to return LB 4 to Select File for the following specific amendment:

1. On page 3, line 5 strike "or"; line 6, strike "professional"; and in line 9 after "legislation" insert ", but if such person is otherwise engaged in lobbying activity, then such person shall be a lobbyist and report such other activity as required by this act; or

(g) Any person who, not for hire, is authorized to lobby on behalf of a prinicpal".

2. On page 10, line 18 after the period insert "Sections 49-1403 to 49-1444, 49-1480 to 49-1492, and section 15 of this act shall become operative on July 1, 1977."; and in line 19 strike "July 1" and insert "~~July 1~~ February 15, 1978".

3. Insert two new sections to read:

"Sec. 14. That section 141, Legislative Bill 987, Eighty-fourth Legislature of Nebraska, Second Session, 1976, be amended to read as follows:

Sec. 141. That sections 32-1136 to 32-1143, 32-1144 to 32-1148, 32-1150 to 32-1155, and 49-1101 to 49-1117, ~~50-308 to 50-311 and 50-313 to 50-318,~~ Reissue Revised Statues (sic) of Nebraska, 1943, and sections 32-1134, 32-1135, 32-1143.01, 32-1143.02, and 32-1149, Revised Statues (sic) Supplement, 1974, are repealed.

Sec. 15. Sections 50-308 to 50-311 and 50-313 to 50-318, Reissue Revised Statutes of Nebraska, 1943, are repealed.".

4. Renumber sections 14 and 15 as sections 16 and 17.

5. On page, 10, line 22 strike "section 139" and insert "sections 139 and 141".

6. In the title, Line 4 strike "section 139" and insert "sections 139 and 141"; in line 10 strike "an" and strike "date" and insert "dates".

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 21 ayes, 13 nays, and 15 not voting.

Mr. Simon asked unanimous consent to lay the motion over.

Mr. Barnett objected.

Mr. Simon moved to lay the motion over. The motion lost with 4 ayes, 19 nays, 24 present and not voting. and 2 excused and not voting.

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The DeCamp motion to return to Select File lost with 17 ayes, 19 nays, 11 present and not voting, and 2 excused and not voting.

MOTION—Return LB 4 to Select File

Mr. Barnett moved to return LB 4 to Select File for the following specific amendment:

"To remove all amendments that have been added to LB 4 and have it read as it was introduced"

Mr. Koch 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 motion to return LB 4 to Select File prevailed with 26 ayes, 14 nays, 7 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 4. The Barnett specific amendment found in this day's Journal was adopted with 27 ayes, 13 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 347 and 347A.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 347 and 347A.

RESOLUTION

LEGISLATIVE RESOLUTION 113.

Introduced by Rasmussen, 41st District.

WHEREAS, during the past ten years there has been considerable legislation at both the State and Federal levels of Government to improve services to the elderly, and

WHEREAS, the Health and Welfare Committee conducted an interim study in 1974 to investigate which forms of legislation are most beneficial to those who need those services, and

WHEREAS, there has been some concern that there has been a lack of coordination in providing those services, which may have resulted in some duplication by different agencies, and

WHEREAS, there has also been some concern that the present programs are not specific in addressing the distribution of administrative powers between State and Local governments,

BE IT THEREFORE RESOLVED THAT THE PUBLIC HEALTH AND WELFARE COMMITTEE CONDUCT AN INTERIM STUDY OF SERVICES TO THE ELDERLY TO DETERMINE IF:

1. There are areas of duplication which might be eliminated without resulting in diminished services to the elderly, and

2. The present program should be revised to allow greater input by the elected officials of the counties which are being served, and

3. There are different problems facing the elderly in 1977 than existed in 1974 when the last major inquiry occurred.

Referred to the Executive Board.

MESSAGE FROM THE GOVERNOR

May 12, 1977

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 requiring legislative confirmation:

Game & Parks Commission
Robert Cunningham of Omaha--term to begin June 7, 1977
5-year term expiring January 15, 1982

Nebraska Liquor Control Commission
Catherine Dahlquist of Omaha--term to begin upon confirmation
6-year term expiring May 24, 1983

I respectfully submit these appointments for your consideration.

Sincerely,

(Signed) J. James Exon
Governor

JJE:gd

SELECT FILE

LEGISLATIVE BILL 346. E & R amendment found in the Journal on page 1981 for the Eighty-First Day was adopted.

Mr. Goodrich renewed his pending amendment found in the Journal on page 1817.

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

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 204. Mr. DeCamp offered the following amendment:

AMENDMENTS TO LB 204

1. In the Mills amendment strike sections 6, 7, 8, 24, and 28.
2. Renumber remaining sections accordingly.

Amendment pending.

NOTICE OF COMMITTEE HEARING
Committee on Committees

May 16, 1977

The Committee on Committees will meet at 12:00 Noon, Tuesday, May 24, 1977, in the Legislative Council Hearing Room, Room 2102, for the purpose of hearing appointments or reappointments by Governor J. J. Exon as follows:

Robert Cunningham, Omaha - Game & Parks Commission
term to begin June 7, 1977 - 5 year term expiring January 15, 1982.

Catherine Dahlquist, Omaha - Nebraska Liquor Control Commission
term to begin upon confirmation -- 6 year term expiring May 24, 1983

(Signed) John S. Savage, Chairman

VISITORS

The President introduced Dr. & Mrs. R. K. Kolhatkar, Director of Wanless Hospital, from India accompanied by Dr. & Mrs. Glover A. Leitch from the First Presbyterian Church, Lincoln; 19 eighth grade students, teacher, and parents from Holy Family, Lindsay, Nebraska; 10 eighth grade students and sponsors from St. Anthony School, Omaha, Nebraska; 36 eighth grade students and teachers from Holy Ghost, Omaha,; 32 sixth grade students and teachers from Sidney Elementary School, Sidney, Iowa; 9 trainable mentally retarded students and teachers from Educational Service Unit, Hastings, Nebraska; 12 Juniors, teacher, and sponsors from Rosalie, Nebraska; 7 eighth grade students and sponsors from St. Stephens School, Lawrence, Nebraska; 25 seventh grade students and teachers from Bellwood Public School, Bellwood, Nebraska; 30 fifth grade students, teachers, and sponsors from Central at Plattsmouth, Nebraska; 12 second through sixth grade students, teacher, and sponsors from Saunders County, District 5, Ashland, Nebraska; and former Senator George Fleming from Sidney, Nebraska.

RECESS

At 12:02 p.m., on a motion by Speaker Luedtke, 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 Mrs. Labedz; Messrs. Kelly, Lamb, R. Lewis, and Rasmussen who were excused until they arrive.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 16, 1977, at 1:15 p.m., were the following bills: 347 and 347A.

(Signed) Jan Loder, Enrolling Clerk

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LR 104 and LR 108.

UNANIMOUS CONSENT–Unbracket LB 220

Mr. DeCamp asked unanimous consent to unbracket LB 220 on E & R Final.

Mr. Cullan objected.

Mr. DeCamp moved to unbracket LB 220.

The motion prevailed with 31 ayes, 10 nays, 3 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 509. Placed on Select File as amended.
E & R amendments to LB 509:

1. On page 5, line 2, strike "3" and insert "48-604, subdivisions"; in line 3 strike "of this act"; insert ", subdivision" after "48-604" in lines 11 and 12; and insert an underscored comma after "(c)" in line 11 and "1978" in line 15.

2. On page 10, insert an underscored comma at the end of line 1; and in line 22 strike "through" and insert "to".

3. On page 11, insert ", subdivision" after "48-604" in lines 3 and 6; and insert an underscored comma after "(c)" in line 4 and "(d)" in line 7.

4. In committee amendments, page 1, lines 8, 14, and 20, strike "subsection" and insert "subdivision"; and in line 11 strike the period and insert "; and".

5. On page 14, line 20, strike the comma.

6. On page 15, line 14, strike "subsection" and insert "subdivision".

7. On page 22, line 4, strike the second comma.

8. On page 29, lines 19 and 22, strike "3" and insert "48-604, subdivision"; in line 20 strike "of this act" and insert an underscored comma; in line 22 strike "of this act,"; in line 25 strike "2" and insert "48-603, subdivision"; and in line 26 strike "of this act".

9. On page 37, line 16, strike "subdivision" and insert "subsection".

10. On page 38, line 2, strike "subdivision" and insert "subsection".

11. On page 39, line 6, insert an underscored comma after "that"; and in line 13 insert "of this section" after "(b)".

12. On page 45, lines 17 and 18, strike "3 (4) (a) of this act" and insert "48-604, subdivision (4) (a),"; and in line 22, strike "through" and insert "to".

13. On page 49, lines 17 and 22, strike "4" and insert "48-627, subdivision"; and in lines 18 and 22 strike "of this act".

14. On page 52, lines 16 and 26, strike "2" and insert "48-603, subdivision"; and in lines 16 and 17 and line 26, strike "of this act".

15. In new section 10, line 1, strike "any" and insert "Sec. 10. Any"; in line 5 strike "Said" and insert "Such"; and in line 7 strike "said" and insert "such".

16. In the title, insert "to provide for a tax to meet increased costs;" at the end of line 13.

LEGISLATIVE BILL 548. Placed on Select File as amended.
E & R amendment to LB 548:

1. In the title, line 9, insert "to transfer responsibility; to provide for a transfer of personnel; to make an appropriation;" after the semicolon.

LEGISLATIVE BILL 550. Placed on Select File as amended.
E & R amendment to LB 550:

1. Insert the new section added by the Warner amendment as section 3 and renumber original sections 3 to 7 as sections 4 to 8.

LEGISLATIVE BILL 309. Placed on Select File as amended.
E & R amendments to LB 309:

1. On page 2, line 6, strike "above" and insert "in subdivision (2) of this section".

2. On page 3, insert "state" at the end of line 5.

3. On page 8, line 23, strike the first comma.

4. On page 13, line 13, strike "a" and insert "a" after "institute".

LEGISLATIVE BILL 309A. Placed on Select File as amended.
E & R amendment to LB 309A:

1. On page 2, line 2, insert "Nebraska" after the second "the".

LEGISLATIVE BILL 546. Placed on Select File as amended.
E & R amendments to LB 546:
1. In the last line of the Warner amendment 1, strike the first period and insert "; and".
2. In lieu of the Warner amendment thereto, on page 6, line 14 strike "$835,000" and insert "~~$835,000~~ $836,000".

LEGISLATIVE BILL 549. Placed on Select File as amended.
E & R amendments to LB 549:
1. In the Schmit amendment 2, line 1, strike the period.
2. On page 6, line 4, strike the first "and" and insert "and" at the end of the line.

LEGISLATIVE BILL 545. Placed on Select File.
LEGISLATIVE BILL 547. Placed on Select File.

LEGISLATIVE BILL 540. Placed on Select File as amended.
E & R amendments to LB 540:
1. All amendatory matter having been removed therefrom, strike section 2 and renumber original sections 3 to 6 as sections 2 to 5.
2. On page 6, lines 9 and 10, strike ", 79-1247.13,".
3. In the title, line 2, strike ", 79-1247.13,"; and strike beginning with "to" in line 12 through the semicolon in line 13.

LEGISLATIVE BILL 540A. Placed on Select File.
LEGISLATIVE BILL 52A. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Withdraw Amendment to LB 220

Mr. DeCamp asked unanimous consent to withdraw his pending amendment found in the Journal on page 1016 to LB 220. No objections. So ordered.

MOTION—Return LB 220 to Select File

Mr. DeCamp moved to return LB 220 to Select File for the following specific amendment:
1. Strike original sections and all amendments thereto and insert the following:

"Section 1. That section 53-160, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-160. For the purpose of raising revenue a tax is imposed upon the privilege of engaging in business as a manufacturer or as a distributor at wholesale at a rate of ~~ten~~ eleven cents per gallon on all beer, regardless of alcoholic content; ~~seventy-five~~ eighty-five cents per gallon for wine and other dilute alcoholic beverages; and two dollars twenty-five cents per gallon on alcohol and spirits manufactured and sold by such manufacturer or imported for sale in this state by such distributor at wholesale in the course of such business; Provided, manufacturers or distributors at wholesale of alcoholic liquors shall be exempt from the payment of such gallonage tax imposed on such liquors, upon satisfactory proof, including bills of lading furnished to the commission by affidavit or otherwise as the commission may require, that such liquors were manufactured in this state but were shipped out of the state for sale and consumption outside the State of Nebraska; and provided further, that dry wines or fortified wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided in this section. This tax is not imposed upon any alcoholic liquor, whether manufactured in or imported into this state when sold to a nonbeverage user, as defined in section 53-103, licensed by the state for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietory medicines and medicinal, antiseptic, and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products, excepting denatured alcohol; or for scientific, chemical, experimental or mechanical purposes; nor is the tax imposed upon the privilege of engaging in any business in interstate commerce or otherwise, which business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this state. The tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Nebraska or by any municipal corporation or political subdivision thereof; Provided, notwithstanding any ordinance or charter power to the contrary, no city or village shall impose an occupation tax on the business of any person, firm or corporation licensed under this act and doing business within the boundaries of such city or village in any sum which exceeds double the amount of the

license fee required to be paid under this act to obtain such license, nor shall any city or village impose any occupation tax whatsoever on the business of any person, firm, or corporation holding a bottle club license issued under this act and doing business under such license within the boundaries of such city or village. The commission is hereby directed and authorized to collect the taxes herein imposed, and to account for and turn over to the State Treasurer at least once each week all money collected as herein provided. If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon such manufacturer or distributor shall be reduced by the amount of the taxes which have been paid as to such alcoholic liquor so used under this act. The net proceeds of all revenue arising hereunder shall inure to the state General Fund.

Sec. 2. That original section 53-160, Reissue Revised Statutes of Nebraska, 1943, is repealed.

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 5 and insert "For An Act relating to alcoholism; to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943; to increase the tax privilege; to repeal the original section; and to declare an emergency.".

The motion prevailed with 28 ayes, 10 nays, 9 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 220. Mr. DeCamp moved the adoption of the specific amendment found in this day's Journal.

The Chair ruled the amendment out of order as not being germane to the bill.

Mr. DeCamp moved to suspend the rules, Rule 7, Sec. 3d, to consider the DeCamp amendment.

The motion prevailed with 31 ayes, 11 nays, 5 present and not voting, and 2 excused and not voting.

The DeCamp specific amendment found in this day's Journal was adopted with 28 ayes, 10 nays, 10 present and not voting, and 1 excused and not voting.

Mr. George moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

Advanced to E & R for Engrossment with 33 ayes, 9 nays, 6 present and not voting, and 1 excused and not voting.

MESSAGE FROM THE GOVERNOR

May 16, 1977

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

Dear Mr. President and Senators:

I hereby return LB 536 without my signature and with my objections. Here is still another measure where the Legislature is attempting to ignore the Constitution. I say again that we must remember that we are all bound by the Constitution, and it is not a document that can be ignored at will.

LB 536 would subject the State Board of Pardons to the Administrative Procedures Act even though the Board of Pardons is a constitutional agency which receives its powers and authority from the Constitution. The Pardon Board's constitutional power cannot be restricted as the Legislature is attempting to so do with LB 536. The attached Attorney General's opinion further explains the constitutional defect of LB 536.

LB 536 was heard in committee on April 29 and passed on final reading May 10, 1977. In other words, the bill was on the floor of the Legislature for seven days. It is understandable why such a constitutional error could be made when so little time was given to the implications of the form of the bill.

As far as the primary intent behind LB 536, the Board of Parole is presently in the process of drafting and adopting rules of operating procedure. This action of the Board of Parole should satisfy the spirit of LB 536.

I urge you to sustain this veto and thereby maintain intact the executive clemancy powers granted the Pardon Board by the Constitution.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

Attachment

ATTORNEY GENERAL'S OPINION

May 16, 1977

Honorable J. James Exon
Governor, State of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Exon:

At the request of your office, we have reviewed Legislative Bill 536 to determine whether or not in our opinion that bill is constitutional. For the reasons set out below, it is our opinion that LB 536 could not meet constitutional challenge.

LB 536 was passed by the Legislature on March 10, 1977. This bill provides for the placement of the Board of Parole and the Board of Pardons under the Administrative Procedures Act. Heretofore, the Board of Parole and the Board of Pardons have been specifically exempted from the application of the Administrative Procedures Act by sections 83-199 and 83-1,134, R.R.S. 1943. Section 3 of LB 536 repeals these two above statutory sections. The repeal of these two sections would have the effect of placing the Board of Pardons and the Board of Parole under the provisions of the Administrative Procedures Act.

Section 84-901 (3), the definitional section of the Administrative Procedures Act, defines "contested cases" as proceedings before any agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing. Section 84-913, which is also a part of the Administrative Procedures Act, requires that in any contested case all parties shall be afforded an opportunity for hearing after reasonable notice. It also provides that opportunites shall be afforded all parties to present evidence and argument with respect to the issues at hand. It further requires that the agency shall prepare an official record which will include testimony and exhibits. Section 84-914 provides in part that any party to a formal hearing before that agency may request that the agency be bound by the rules of evidence applicable in the District Court. Section 84-917 provides that any person aggrieved by a final decision in a contested case is entitled to judicial review. The general upshot of the above statutes taken from the Administrative Procedures Act is that a final decision by the Board of Pardons could be appealed to the District Court. It is for this reason that we find that LB 536 is probably unconstitutional as a violation of the Separation of Powers Doctrine found in Article II, section 1.

Article IV of section 1 of the constitution of Nebraska provides that the executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer,

Attorney General, and the heads of other executive departments as set forth in the constitution or as may be established by law. Article IV of section 13 creates the Board of Pardons and provides that the Governor, the Attorney General, and the Secretary of State shall constitute that Board. It is quite clear then that the Board of Pardons which was established under Article IV, the executive portion of our Constitution which is comprised of three constitutional executive officers, is surely a constitutional executive board. A pardon granted by the Pardon Board is an executive act of grace which exempts an individual from the punishment the law inflicts for a crime he has committed. See, 67 C.J.S.,Pardons, Section 1. Generally speaking, the pardoning power is to be exercised on the ground that the public welfare will be as well promoted by suspension as by execution of a sentence. There is no right to a pardon on any ground, the granting of a pardon being discretionary and a matter of grace. Section 67 C.J.S., Pardons, Section 6 indicates that, "The exercise of the [pardon] power lies in the absolute and uncontrolled discretion of the officer in whom it is vested." The above discussion concerning the Pardon Board and the granting of pardons demonstrate three important facts. First of all that the Pardon Board is an executive branch of constitutional government. Secondly that no party has a constitutional or statutory right to receive a pardon. Thirdly, and finally, that the granting of a pardon involves matters which are purely within the realm of executive discretion and grace.

With the above facts in mind, it becomes quite clear that the Judicial Department of government may not encroach upon the Executive Department's functions or activities unless there is specific constitutional authorization to do so. In the area of pardons there is no such constitutional authorization. Article II, section 1 of the Constitution of Nebraska provides that the powers of government of this state are divided into three distinct departments, those being the Legislative, Executive, and Judicial, and that no person or collection of persons being in one of these departments shall exercise any power properly belonging to either of the others except as expressly provided in the Constitution. As mentioned above, there is no express formation or authorization for the judicial branch of government in the State of Nebraska to interfere with or encroach upon the executive branch discretionary rights to grant or not grant pardons. The general rule that in the absence of constitutional authorization the judicial branch of government cannot exercise powers and functions of the executive branch has been applied to the activities of various state executive and administrative officers, boards, and commissions including Boards of Pardons. See, State v. Dreaux, 205 La. 387, 17 So.2d 559, and Pruitt v. Law, 140 S.C. 50, 137 S.E. 216. The Nebraska Supreme Court has said in State ex rel. Beck v. Young, 154 Neb. 588, 48 N.W.2d 677 (1951), that: "The supreme executive power in the state is lodged in the governor. Article IV, section 6, Constitution. Except as limited by a constitution itself the supreme executive power is to be exercised by the governor and, under the division of powers devised by the

Constitution, neither the Legislature nor the courts may exercise the powers thus conferred upon the executive branch." It is apparent from this strong and clear judicial language that the courts of this state, in the absence of specific constitutional authorization, may not interfere with the functions and practices of the administrative branch of government. This being the case, it would clearly be a violation of Article II, section 1, the Separation of Powers Doctrine to allow the courts of this state to review the Pardon Board's decision to grant or not to grant a pardon as that decision is the exercise of executive prerogative, entails the use and exercise of executive discretion, is a matter of executive grace, and therefore is not subject to being overruled by either the legislative or the judicial branches of state government.

In a recent Nebraska case, Haller v. State ex rel. State Real Estate Commission, 198 Neb. 437,__N.W.2d__(1977), the Supreme Court of Nebraska said that "In several recent cases we have held that a statute which purports to delegate to the courts de novo review of an exercise of legislative power, in the sense that the court may substitute its own judgment for that of the administrative agency to which the Legislature has appropriately delegated the power, is unconstitutional." If, as the State Supreme Court held in the Haller case, the judiciary may not substitute its judgment for the judgement (sic) of an administrative agency to which the Legislature has delegated certain powers, then surely, the judiciary may not substitute its judgment for that of the executive branch of government in matters which involved the exercise of executive discretion and grace. There could be no plainer nor more obvious violation of Article II, section 1, then to have the judiciary of this state substitute its judgment for that of the Pardons Board. And it is just such an unconstitutional act that LB 536 would authorize the judiciary of this state to undertake.

Inasmusch as LB 536 would authorize the judiciary of this state, in an appeal from the decision of the Pardon Board, to substitute its judgment for that of the Pardon Board, it would be unconstitutional as a violation of the Separation of Powers Doctrine found in Article II, section 1, Constitution of Nebraska.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Paul W. Snyder
Assistant Attorney General

PWS:lc

MOTION—Return LB 220 to Select File

Mr. Goodrich moved to return LB 220 to Select File for the following specific amendment:

AMENDMENT TO LB 220

1. In the DeCamp amendment on page 1 strike beginning with "eighty-five" in line 11 through "beverages" in line 12 and show the old matter as stricken and insert "fifty-five cents per gallon for wine and other dilute alcoholic beverages containing fourteen per cent or less of alcohol, by volume; one dollar and ten cents per gallon for wine and other dilute alcoholic beverages containing more than fourteen per cent of alcohol, by volume".

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

The motion lost with 13 ayes, 19 nays, 16 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 204. The DeCamp specific amendment found in this day's Journal was adopted with 29 ayes, 2 nays, 17 present and not voting, and 1 excused and not voting.

Mr. Goodrich offered the following amendment:

AMENDMENT FOR L.B. 204

1. Amend Section 9 of Req. 2612 form of LB 204 to read as follows:

"Sec. 9 The director shall be responsible for (1) the development of a comprehensive and integrated statewide plan for alcoholism services, (2) establishing minimum standards for the operation of any facility or program providing services funded in whole or in part under the provisions of this act, except that a private facility accredited as an alcoholism program by the Joint Commission on Accreditation of Hospitals shall be deemed to be in compliance with such standards, (3) providing such assistance as may be necessary to place a person suffering from alcoholism in an appropriate facility or program, encourage research by public and private agencies, institutions of higher learning, and hospitals in the interest of the elimination and amelioration of alcoholism and of the care and treatment of alcoholic persons, [etc.]"

2. Amend Section the Frank Lewis amendment to read as follows:

"Sec. Each private provider of service shall submit a detail audit, for money received, to the governing board, except that in the case of services provided by a hospital licensed under the provisions of R.S.S. 71-2020, a copy of the hospital's most recently submitted annual Medicare Cost Report may be provided to the governing board in lieu of the submission of a detail audit."

Mr. Goodrich moved for a Call of the House. The motion prevailed with 14 ayes, 3 nays, and 32 not voting.

The Goodrich amendment was adopted with 26 ayes, 4 nays, 18 present and not voting, and 1 excused and not voting.

Mr. DeCamp moved the Call be raised. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Mr. Mills renewed his amendment found in the Journal on page 1985.

The amendment was adopted with 26 ayes, 0 nays, 22 present and not voting, and 1 excused and not voting.

Mr. Venditte withdrew his pending amendment found in the Journal on page 2053.

Mr. Goodrich offered the following amendment:
1. Add a new Section 25, reading as follows, and renumber the subsequent Sections accordingly:
Sec. 25. Private facilities and institutions will not be considered to be funded in whole or in part under the provisions of this Act, nor to be supported in whole or in part by State funds provided under the provisions of this Act solely by the act of providing emergency services to alcoholic persons and receiving reimbursement for such emergency services by public funds, including funds provided by the State, the Department, agencies or departments of the State, or the boards established pursuant to Section 71-5004.

Mr. Barnett asked unanimous consent to add Mr. DeCamp's name as co-introducer to LB 204.

Mr. Mills objected.

Advanced to E & R for Engrossment with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 204A. E & R amendment found in the Journal on page 1916 for the Seventy-Ninth Day was adopted.

Mr. Mills offered the following amendment:

AMENDMENT TO LB 204A

1. On page 2, strike beginning with "five" in line 1 through "fifty" in line 2 and insert "one million one hundred".

The amendment was adopted with 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 542. Mr. Duis renewed his pending motion found in the Journal on page 1806 to indefinitely postpone.

Mrs. Maxey asked unanimous consent to be excused at 3:45 p.m. for the remainder of the day. No objections. So ordered.

Mr. Cope asked unanimous consent to be excused at 4:15 p.m. No objections. So ordered.

Mr. Duis moved for a Call of the House. The motion prevailed with 17 ayes, 8 nays, and 24 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 28 ayes, 2 nays, and 19 not voting.

The Duis motion to indefinitely postpone lost with 13 ayes, 22 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 46. E & R amendments found in the Journal on page 1942 for the Eightieth Day were adopted.

Mr. Murphy offered the following amendment:

AMENDMENT TO LB 46

1. In the Murphy amendment found in the Journal on page 1536, strike beginning with "and" in line 15 through "the" in line 16 and insert ". The".

The amendment was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Mr. Cullan requested a machine vote to advance LB 46.

Advanced to E & R for Engrossment with 26 ayes, 7 nays, 14 present and not voting, and 2 excused and not voting.

MOTION—Return LB 532 to Select File

Mr. Warner moved to return LB 532 to Select File for the following specific amendment:
On page 2, line 17, strike the new matter and re-insert "3,218,774"

The motion prevailed with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. The Warner specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 532 to Select File

Mr. Chambers moved to return LB 532 to Select File for the specific amendment found in the Journal on page 2027.

SPEAKER LUEDTKE PRESIDING

Mr. Chambers asked unanimous consent to modify his specific amendment as follows:

Add new section "A report of this needs assessment will be delivered to the Legislature"

No objections. So ordered.

The motion prevailed with 27 ayes, 3 nays, 17 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. The Chambers specific amendment found in the Journal on page 2027, as modified above, was adopted with 26 ayes, 6 nays, 15 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 532 to Select File

Mr. Cullan moved to return LB 532 to Select File for the following specific amendment:

The amendment is the Koch amendment found in the Journal on Pg. 1547

The motion prevailed with 28 ayes, 8 nays, 11 present and not voting, and 2 excused and not voting.

PRESIDENT WHELAN PRESIDING

SELECT FILE

LEGISLATIVE BILL 532. The Cullan specific amendment found in this day's Journal was renewed.

Mr. Lamb moved the previous question. The question is, "Shall the debate now close?" The motion lost with 20 ayes, 13 nays, and 16 not voting.

The Cullan specific amendment was adopted with 28 ayes, 7 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

UNANIMOUS CONSENT—Print Amendments to LB 273

Mr. Dworak asked unanimous consent to print the following amendments to LB 273 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 273 (1)

1. In the Savage amendment, insert new sections to read:

"Sec. 2. That section 2-1207, Revised Statutes Supplement, 1976, 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, (a) at thoroughbred race meets, fifteen per cent of the total, plus the odd cents of the redistribution over the next lower multiple to ten, or (b) at race meets other than thoroughbred race meets, not less than fifteen nor more than ~~eighteen~~ twenty 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. 3. That original section 2-1207, Revised Statutes Supplement, 1976, is repealed.".

2. Renumber section 2 added by the Savage amendment as section 4.

AMENDMENTS TO LB 273 (2)

1. In the Savage amendment insert new sections to read:

"Sec. 2. That section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, 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 two hundred fifty thousand dollars if the race track enclosure within which such races are conducted is located in a county of two hundred thousand population or more and the first one million dollars if the race track enclosure within which such races are conducted is located in a county of less than two hundred thousand population shall not be taxed, and (2) any amount in excess of two hundred fifty thousand dollars or one million dollars shall be taxed at a rate of ~~five~~ seven and one half 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 section 2-1208.01, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber section 2 added by the Savage amendment as section 4.

AMENDMENTS TO LB 273 (3)

1. In the Savage amendment insert new sections to read:

"Sec. 2. That section 2-1208, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1208. For race meetings devoted principally to running races, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay the tax imposed by section 2-1208.01 and shall also pay to the State Racing Commission for each racing day of each horse race meeting for which a license shall have been issued, license fees in the sum of ~~two~~ three hundred dollars if the race track enclosure within which such races are conducted, is located in a county of two hundred thousand population or more; and, in addition thereto, the licensee in all counties shall pay to the commission the sum of ~~fifteen~~ twenty cents for each person entering the grounds or enclosure of the licensee upon a ticket of admission. If tickets are issued good for more than one day, then the sum of ~~fifteen~~ twenty cents shall be paid for each person using such ticket on each day that the same is used; and if any free passes or complimentary admission tickets shall be issued, the licensee shall pay the same tax upon such passes or complimentary tickets as if the same were sold at the regular and usual admission rate, but nothing herein shall be construed to prohibit the issuance of tax-free passes to actual and necessary officials and employees of

the licensee or other persons actually working at such race track; Provided, that the issuance of all such tax-free passes shall be under the regulations or orders of the commission, and a list of all persons to whom such tax-free passes are issued shall be filed with the commission. For race meetings devoted principally to running races in counties of more than seventy-five thousand but less than two hundred thousand population, the licensee shall pay to the commission for each racing day the sum of fifty dollars, and in counties of not more than seventy-five thousand population, the sum of fifteen dollars. For race meetings devoted exclusively to harness races or at which the majority of the races conducted each day are harness races, every corporation or association licensed under the provisions of sections 2-1201 to 2-1218 shall pay to the State Racing Commission, for each racing day of each horse race meeting for which a license shall have been issued, license fees in the amount of only one-fourth of the daily fees respectively hereinbefore prescribed for running race meetings, graduated as aforesaid in accordance with the population of the county in which the race meeting is conducted. No other license tax, permit tax, occupation ta,(sic) or excise tax, or racing fee, except as provided in this section and in section 2-1208.01, shall be levied, assessed, or collected from any such licensee by the state or by any county, township, district, city, village or any other governmental subdivision or body having power to levy, assess or collect any such tax or fee.

Sec. 3. That original section 2-1208, Reissue Revised Statutes of Nebraska, 1943, is repealed.".

2. Renumber section 2 added by the Savage amendment as section 4.

MOTION—Return LB 539 to Select File

Mr. Chambers moved to return LB 539 to Select File for the specific amendment found in the Journal on page 2026.

The motion prevailed with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 539. The Chambers specific amendment found in the Journal on page 2026 was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE SECRETARY OF STATE

May 16, 1977

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

RE: LB 110, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge receipt of LB 110, on this 16th day of May, 1977 at 10:06 A.M.

Inasmuch as the Legislature did not override the line item veto by Governor Exon on LB 110, this bill will be filed in the form and amounts as approved by the Governor.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

UNANIMOUS CONSENT–Unbracket LB 273

Mr. Savage asked unanimous consent to unbracket LB 273 on Final Reading.

Mr. Dworak objected.

Mr. Savage moved to unbracket LB 273.

The motion prevailed with 27 ayes, 5 nays, 14 present and not voting, and 3 excused and not voting.

MOTION–Return LB 273 to Select File

Mr. Savage moved to return LB 273 to Select File for the specific amendment found in the Journal on page 1993.

SPEAKER LUEDTKE PRESIDING

The Chair ruled the amendment out of order and not germane to the bill.

Mr. Moylan asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Savage moved to suspend the rules, Rule 7, Sec. 3d, to consider the amendment.

Mr. Savage moved for a Call of the House. The motion prevailed with 22 ayes, 2 nays, and 25 not voting.

Mr. Dworak moved the Call be raised. The motion lost with 7 ayes, 23 nays, and 19 not voting.

Mr. Savage requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cullan	Duis	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer
Labedz	Lamb	R. Lewis	Maresh	Marsh
Marvel	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Stoney	Swigart	Warner

Voting in the negative, 9:

Brennan	Chambers	DeCamp	Dworak	Fitzgerald
Fowler	Luedtke	Newell	Reutzel	

Present and not voting, 6:

George	F. Lewis	Merz	Mills	Simon
Venditte				

Excused and not voting, 4:

Cope	Kelly	Maxey	Moylan

The motion to suspend the rules prevailed with 30 ayes, 9 nays, 6 present and not voting, and 4 excused and not voting.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

Mr. Newell moved the Call be raised. The motion lost with 9 ayes, 22 nays, and 18 not voting.

The motion to return LB 273 to Select File for the Savage specific amendment prevailed with 26 ayes, 4 nays, 16 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The Savage specific amendment found in the Journal on page 1993 was adopted with 27 ayes, 8 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a machine vote to advance to E & R Final.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Advanced to E & R for Re-Engrossment with 25 ayes, 10 nays, 9 present and not voting, and 5 excused and not voting.

Mr. Newell moved the Call be raised. The motion lost with 12 ayes, 20 nays, and 17 not voting.

Mr. Barnett asked unanimous consent to be excused. No objections. So ordered.

MOTION--Return LB 518 to Select File

Mr. Schmit moved to return LB 518 to Select File for the following specific amendment:

1. In the Final Reading copy, insert a new section 10 as follows:

"Sec. 10. In the event that the validity of this act is successfully challenged on the basis of containing more than one subject under Article III, section 14 of the Constitution of the State of Nebraska, and, in the event of an appeal to the Nebraska Supreme Court, and if the Supreme Court finds that more than one subject is contained in this act, then sections 1 to 8 and sections 10 to 16 of this act shall be considered as the only operative sections of this act.".

2. In the Final Reading copy, renumber sections 10 to 15 as sections 11 to 16 respectively.

Mr. Newell 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 Schmit motion to return LB 518 prevailed with 27 ayes, 5 nays, 11 present and not voting, and 6 excused.

SELECT FILE

LEGISLATIVE BILL 518. The Schmit specific amendment found in this day's Journal was adopted with 28 ayes, 2 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Newell requested a machine vote to advance to E & R Final.

Advanced to E & R for Engrossment with 27 ayes, 3 nays, 13 present and not voting, and 6 excused and not voting.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at 4:30 p.m. or upon adjournment in Room 2102.

Mr. R. Lewis announced the Executive Board and Appropriations Committee, Energy Subcommittee, is sponsoring an energy briefing at 8:00 a.m., Tuesday, May 17, in Room 2414. This briefing will cover on-going energy programs in the State of Nebraska and the draft State Energy Conservation Plan. This is the first of a series of briefings to bring legislators up-to-date in a comprehensive way on energy related activites in the State.

UNANIMOUS CONSENT—Members Excused

Messrs. Marvel and Swigart asked unanimous consent to be excused Tuesday morning, May 17, 1977. No objections. So ordered.

Messrs. Burrows, Goodrich, and Warner asked unanimous consent to be excused until they arrive Tuesday, May 17, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Print Amendment to LB 548

Mr. Marvel asked unanimous consent to print the following amendment to LB 548 in the Journal. No objections. So ordered.

AMENDMENT TO LB 548

In the Marvel amendment page 2037 of the Journal section 10, line 22 after "27" insert "to aid in carrying out the provisions of this act".

UNANIMOUS CONSENT–Print Amendment to LB 546

Mr. Mills asked unanimous consent to print the following amendment to LB 546 in the Journal. No objections. So ordered.

AMENDMENT to LB 546

1. On page 5, line 22 after "Fund" insert "and $220,000 from the State Building Fund"; and in line 25 after "Fund" insert "and $670,000 from the State Building Fund".

UNANIMOUS CONSENT – Print Amendment to LB 549

Mr. Mills asked unanimous consent to print the following amendment to LB 549 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 549

1. On pages 11 and 12 strike original section 33 and insert the following:

"Sec. 33. Program 925. The Department of Correctional Services is hereby authorized to construct a maximum security unit at Lincoln. There is hereby appropriated $500,000 from the Nebraska Capital Construction Fund and $1,870,000 from the State Building Fund for the fiscal year ending June 30, 1978, $8,130,000 from the State Building Fund for the fiscal year ending June 30, 1979, and $6,115,000 from the State Building Fund for the fiscal year ending June 30, 1980, for a maximum security unit at Lincoln.".

UNANIMOUS CONSENT – Print Amendment to LB 533

Mr. Carsten asked unanimous consent to print the following amendments to LB 533 in the Journal. No objections. So ordered.

AMENDMENT TO LB 533

PURPOSE: To provide for alternative funding to the University of Nebraska-Lincoln, Institute of Agriculture and Natural Resources, for pseudorabies testing and research and to amend a Committee Amendment by striking $68,815 in Cash Fund authorization which was not stricken by the May 13, 1977 amendment.

(1) On page 24, after line 10, insert: On or before January 1, 1978, any dollars not committed for Veterinary student contracts, Program 715 – Institute of Agriculture and Natural Resources, and Optometry student contracts, Program 781 – Administration and Computer, are hereby authorized to be trans-

ferred to Program 715 – Institute of Agriculture and Natural Resources for the purpose of pseudorabies testing and research not to exceed $82,000. Any funds in addition to the $82,000 not committed for Veterinary student contracts or Optometry student contracts during 1977-78 shall lapse on June 30, 1978.

(2) To amend the third set of Committee Amendments found on page 1954 of the Legislative Journal by striking subsection (1) and inserting: On page 24, line 6, strike "16,075,567" and insert "16,175,567" and on line 10, strike "24,452,831" and insert "24,552,831".

and by striking subsection (4) and inserting: On page 26, line 14, strike "46,169,226" and insert "46,269,226" and on line 18, strike "72,041,923" and insert "72,141,923".

VISITORS

The President introduced 38 8th grade students, teacher and sponsors from Guardian Angel School, West Point, Nebraska; 13 8th grade students and sponsors from Lindsey Holy Family School, Lindsey, Nebraska.

ADJOURNMENT

At 5:12 p.m., on a motion by Mr. Savage, the Legislature adjourned until 8:00 a.m., Tuesday, May 17, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-FIFTH DAY—MAY 17, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 17, 1977

Pursuant to adjournment, the Legislature met at 8:04 a.m., Speaker Luedtke presiding.

PRAYER

The prayer was offered by Mrs. Marsh.

ROLL CALL

The roll was called and all members were present except Messrs. Marvel and Swigart who were excused; Mesdames. Labedz and Maxey, Messrs. Burrows, Goodrich, Koch, Warner, Boughn, Chambers, George, F. Lewis, Newell, Simon and Venditte who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2075, line 22, insert "The amendment was adopted with 26 ayes, 2 nays, 20 present and not voting, and 1 excused and not voting."
Page 2084, line 7, insert "Re-" before "Engrossment".
The Journal for the Eighty-Fourth Day was approved as corrected.

UNANIMOUS CONSENT—Members Excused

Mr. Kremer asked unanimous consent to be excused at 9:30 a.m. No objections. So ordered.

Mr. Duis asked unanimous consent for the Administrative Agency Rules and Regulations Committee to be excused at 8:30 a.m. until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 38.

A BILL FOR AN ACT to adopt the Nebraska Criminal Code; to provide an operative date; to provide severability; to provide duties; and to repeal Chapter 28, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, except sections 28-589.03, 28-5,103 to 28-5,106, 28-833 to 28-844, 28-1020 to 28-1031, 28-1043 to 28-1046, and 28-1108 to 28-1110, and articles 14, 15, and 16, Reissue Revised Statutes of Nebraska, 1943, and sections 28-476.01, 28-476.02, and 28-4,135.01, Revised Statutes Supplement, 1976.

Whereupon the 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:

Barnett	Boughn	Chambers	Cope	DeCamp
Dworak	Fowler	George	Hasebroock	Kelly
Keyes	Koch	Labedz	Luedtke	Marsh
Maxey	Merz	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney				

Voting in the negative, 15:

Bereuter	Brennan	Carsten	Clark	Cullan
Duis	Fitzgerald	Hefner	Kahle	Lamb
R. Lewis	Maresh	Mills	Rasmussen	Venditte

Present and not voting, 1:

Murphy

Excused and not voting, 7:

Burrows	Goodrich	Kremer	F. Lewis	Marvel
Swigart	Warner			

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

LEGISLATIVE BILL 38A.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 38, Eighty-fifth Legislature, First Session, 1977.

Mr. Bereuter, Vice Chairman of Appropriations Committee, advised the members LB 38A will take 30 votes to pass, pursuant to Rule 5, Sec. 6(1).

Whereupon the 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:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	Cullan	DeCamp	Dworak
Fowler	George	Hasebroock	Kahle	Kelly
Keyes	Koch	Labedz	Luedtke	Marsh
Maxey	Merz	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney				

Voting in the negative, 11:

Clark	Duis	Fitzgerald	Hefner	Lamb
R. Lewis	Maresh	Mills	Murphy	Rasmussen
Venditte				

Excused and not voting, 7:

Burrows	Goodrich	Kremer	F. Lewis	Marvel
Swigart	Warner			

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

MESSAGE FROM THE GOVERNOR

May 16, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 182, 257, 257A, 263, 263A, and 544.

These bills were signed by me on May 16, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 4.

Correctly Engrossed

The following bills were correctly engrossed: 346 and 542.

(Signed) Samuel K. Cullan, Chairman

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 39.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 54-101.01, 54-107, 54-114, 54-116, 54-117, 54-119, 54-124, 54-128, 54-130, 54-133.03, 54-143.01, 54-143.02, 54-145.06, 54-156, 54-158, 54-302, 54-306, 54-415, 54-613, 54-709, 54-726.04, 54-750 to 54-752, 54-753.04, 54-753.05, 54-758, 54-760, 54-761, 54-906, 54-1011, 54-1171, 54-1181.01, 54-1203, 54-1337, 54-1343, 54-1345, 54-1408, 54-1411, 54-1509, 54-1521, 54-1605, 54-1711, 54-1808, 54-1913, 55-142, 55-165, 55-166, 55-175, 55-177, 55-428, 57-507, 57-516, 57-713, 57-915, 57-1106, 59-505, 59-705, 59-801, 59-802, 59-805, 59-815, 59-825, 59-1503, 60-116, 60-117, 60-331.02, 60-343, 60-344, 60-409.13, 60-414, 60-423, 60-430, 60-430.01, 60-430.07, 60-436, 60-506, 60-558 to 60-560, 60-1005, 60-1202, 60-1307 to 60-1309, 60-1407.02, 60-1411.04, 60-1418, 60-1612, 60-1707, 60-1808, 60-1908, 60-1911, 60-2106 to 60-2108, 60-2307, 62-304, 63-103, 66-102, 66-107, 66-312, 66-312.01, 66-316, 66-326, 66-410.02, 66-410.07, 66-419, 66-427, 66-431, 66-432, 66-443, 66-520.01, 66-524, 66-637, 68-314, 68-1017, 69-109, 69-208, 69-1005, 69-1007, 69-1008, 69-1102,

69-1215, 69-1324, 70-409, 70-508, 70-511, 70-514, 70-642.04, 71-166, 71-167, 71-1,101, 71-1,132.36, 71-1,147.13, 71-1,167, 71-220, 71-338, 71-502, 71-503, 71-506, 71-515, 71-613, 71-1006, 71-1103, 71-1114, 71-1118, 71-1343, 71-1613, 71-1631.01, 71-1805, 71-1905, 71-2028, 71-2511, 71-2718, 71-2916, 71-3107, 71-3213, 71-3517, 71-3715, 71-3822, 71-3829, 71-4719, 72-245, 72-313, 73-105, 74-204, 74-560, 74-584, 74-593, 74-607, 74-609.01, 74-706, 74-710, 74-806, 74-819, 74-906, 74-912, 74-914, 74-1001, 74-1012, 74-1124, 75-127, 75-151, 75-155, 75-322.01, 75-428, 75-429, 75-434, 75-610, 75-723, 76-247, 76-527, 77-408, 77-605, 77-607, 77-668, 77-1219, 77-1220, 77-1231.01, 77-1232, 77-1261, 77-1268, 77-1318.02, 77-1324, 77-1719.02, 77-1725, 77-1726, 77-1816, 77-2026, 77-2105, 77-2310, 77-2311, 77-2323, 77-2325, 77-2326, 77-2350.02, 77-2614, 77-2615, 77-2619, 77-2711, 77-2713, 77-27,113 to 77-27,116, 77-3009, 77-3110, 79-216, 79-454, 79-493, 79-4,138, 79-514, 79-516, 79-806, 79-1051, 79-1269, 79-1273, 79-1553, 79-1707, 79-1808, 79-1824, 80-405, 81-217.10, 81-217.15, 81-228, 81-257, 81-263.79, 81-263.122, 81-267, 81-275.33, 81-280, 81-291, 81-293, 81-2,120, 81-2,121, 81-2,134, 81-2,147.09, 81-2,154, 81-2,157, 81-2,179, 81-2,185, 81-2,196, 81-513, 81-522, 81-538, 81-541, 81-812.04, 81-815.19, 81-815.33, 81-8,127, 81-8,142, 81-8,158, 81-8,205, 81-8,254, 82-111, 82-124, 82-126, 83-198, 83-1,133, 83-356, 83-417, 83-473, 84-712.03, 84-1327, 86-106, 86-108, 86-110, 86-202, 86-203, 86-210, 86-211, 86-329, 86-503, 86-702, 86-707, 87-220, 88-402, 88-513, 88-515, 88-522, and 88-615, Reissue Revised Statutes of Nebraska, 1943, sections 54-133, 54-796, 54-839, 54-1811, 60-320, 60-403.10, 60-407, 60-1416, 60-2211, 66-466, 71-1331, 71-2045.09, 71-2512, 71-4608, 72-802, 76-1315, 77-202.20, 77-1226.01, 79-442, 79-488, 79-488.06, 81-161.05, 81-2,162.17, 81-2,230, 81-5,113, 81-885.45, 81-8,286, 81-1108.18, 81-1117.03, 81-1525, 83-151, 83-443, 84-1414, 85-179.10, 88-518, 89-1,101, and 90-104, Revised Statutes Supplement, 1976; and to repeal the original sections.

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

Voting in the affirmative, 31:

Barnett	Bereuter	Boughn	Brennan	Cope
DeCamp	Dworak	Fitzgerald	Fowler	George
Hasebroock	Kahle	Keyes	Koch	Kremer
Labedz	F. Lewis	Luedtke	Marsh	Marvel
Maxey	Merz	Moylan	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney				

Voting in the negative, 11:

Burrows	Carsten	Clark	Cullan	Duis
Hefner	R. Lewis	Maresh	Mills	Rasmussen
Venditte				

Present and not voting, 4:

Chambers	Kelly	Lamb	Murphy

Excused and not voting, 3:

Goodrich	Swigart	Warner

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

UNANIMOUS CONSENT—Members Excused

Mr. Hefner asked unanimous consent to be excused at 2:30 p.m. for the remainder of the day. No objections. So ordered.

Mrs. Maxey, Messrs. Clark, Duis, George, Hasebroock, Moylan and Stoney asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 40.

A BILL FOR AN ACT relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 1-166, 2-219, 2-220, 2-220.03, 2-1007, 2-1036, 2-1042, 2-1045, 2-1052, 2-1059, 2-1215, 2-1218, 2-1806, 2-1807, 2-1811, 2-1825, 2-2319, 2-2409, 2-2446, 2-2607, 2-2710, 2-3008, 2-3109, 3-152, 3-330, 3-408, 3-613, 4-106, 7-101, 7-111, 8-109, 8-113, 8-114, 8-118, 8-119, 8-127, 8-133, 8-138, 8-139, 8-142, 8-145, 8-147, 8-154, 8-175, 8-189, 8-1,119, 8-225, 8-226, 8-305, 8-333, 8-345, 8-403.04, 8-417.01, 8-449, 8-829, 8-904, 8-1014, 8-1117, 8-1207, 9-102, 9-122, 10-509, 10-807, 11-101.02, 12-512.07, 12-519, 12-617, 13-116, 21-622, 21-1306, 21-1318, 21-1332, 21-1771, 22-303, 23-135.01, 23-147, 23-343.09, 23-343.45, 23-343.94, 23-350, 23-387, 23-808, 23-813, 23-817, 23-919, 23-928, 23-1507, 23-1612, 23-2325, 24-216, 25-1563, 25-1630, 25-1635, 28-1020, 28-1021, 28-1022, 28-1027, 28-1029, 28-1109, 28-1406, 28-1508, 28-1604, 29-739, 29-817, 29-835, 29-908, 31-435, 31-828,

32-415, 32-416, 32-430, 32-461, 32-493, 32-713, 32-821 to 32-823, 32-1050, 32-1054, 32-1202 to 32-1234, 32-1237 to 32-1240, 33-132, 35-520, 36-213.01, 37-103, 37-208, 37-211.01, 37-213, 37-213.01, 37-213.06, 37-215.07, 37-235, 37-306, 37-309, 37-406.02, 37-410, 37-414, 37-421, 37-503.06, 37-506, 37-516 to 37-518, 37-520, 37-523, 37-525, 37-527, 37-604, 37-605, 37-610, 37-706, 37-712, 37-718, 37-719, 37-726, 39-806, 39-808, 39-1012, 39-1335, 39-1362, 39-1412, 39-1801, 39-1806, 39-1810, 39-1815, 39-1816, 39-2612, 41-121, 41-127, 41-127.01, 41-130, 42-113, 42-126, 42-127, 43-709, 44-147, 44-333.02, 44-361.02, 44-368, 44-390 to 44-392, 44-394, 44-3,101, 44-3,106, 44-3,121, 44-624, 44-1068, 44-1070, 44-1209, 44-1438, 44-1482, 44-2007, 45-128, 45-136, 45-153, 45-154, 45-162, 45-208, 45-343, 46-155, 46-213, 46-254, 46-257, 46-263, 46-263.01, 46-266, 46-278, 46-280, 46-282, 46-607, 46-612, 46-612.01, 46-807, 47-206, 48-125.01, 48-144.04, 48-145.01, 48-147, 48-211, 48-213, 48-216, 48-219, 48-222, 48-230, 48-311, 48-313, 48-414, 48-418.11, 48-424, 48-433, 48-434, 48-442, 48-511, 48-513, 48-612, 48-614, 48-645, 48-646, 48-663, 48-664, 48-666, 48-716, 48-821, 48-910, 48-1005, 48-1118, 48-1123, 48-1206, 48-1227, 49-211, 49-231, 51-109, 52-124, 52-503, 53-111, 53-122, 53-124.07, 53-155, 53-157, 53-180.05, 53-195 to 53-197, 53-1,100, and 53-1,104, Reissue Revised Statutes of Nebraska, 1943, and sections 2-963, 2-1207, 2-1506.12, 2-3223.01, 2-3324, 3-504, 8-140, 20-129, 23-114.05, 32-515, 32-1310, 37-211, 37-308, 37-437, 37-519, 39-6,112, 39-1320.10, and 43-205.04, Revised Statutes Supplement, 1976; 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, 25:

Barnett	Bereuter	Boughn	Brennan	Chambers
Cope	Cullan	DeCamp	Dworak	Fitzgerald
Fowler	Kahle	Kelly	Keyes	Kremer
F. Lewis	Luedtke	Marsh	Marvel	Merz
Newell	Nichol	Rumery	Savage	Schmit

Voting in the negative, 7:

Burrows	Carsten	Hefner	R. Lewis	Maresh
Mills	Venditte			

Present and not voting, 3:

Murphy	Reutzel	Simon

Excused and not voting, 14:

Clark	Duis	George	Goodrich	Hasebroock
Koch	Labedz	Lamb	Maxey	Moylan
Rasmussen	Stoney	Swigart	Warner	

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 relating to crimes and punishments; to harmonize provisions with the Nebraska Criminal Code; to provide an operative date; to amend sections 28-5,106, 28-1046, 39-604, 39-619.01, 39-669.19, 39-669.21, 39-699.01, 39-6,114, 39-6,152, 39-6,159, 39-6,165, 39-6,166, 39-6,168, 39-6,169, 39-6,170, 39-6,171, 39-6,176, 39-6,187, 39-707, 39-712.01, and 39-714.02, Reissue Revised Statutes of Nebraska, 1943, and sections 2-2618, 2-3416, 28-476.02, 37-216.04, 37-216.09, 39-628.01, 39-660, 39-669.30, 39-669.34, 39-669.35, 39-6,106.01, 39-6,113, 39-6,129, 39-6,138.02, 39-6,161, 39-6,184, 39-6,188, 45-101.07, 49-1446, 49-1447, 49-1467, 49-1469, 49-1471 to 49-1479, 49-1490, 49-1492, 49-14,101, 49-14,104, 49-14,115, 49-14,134, 49-14,135, 71-1563, 71-4632, 71-5312, and 83-1069, Revised Statutes Supplement, 1976; 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	Boughn	Brennan	Chambers
Cope	DeCamp	Dworak	Fitzgerald	Fowler
George	Hasebroock	Kahle	Kelly	Keyes
Koch	Kremer	F. Lewis	Luedtke	Marsh
Marvel	Merz	Newell	Nichol	Reutzel
Rumery	Savage	Simon	Stoney	Swigart

Voting in the negative, 13:

Burrows	Carsten	Clark	Cullan	Duis
Hefner	Lamb	R. Lewis	Maresh	Mills
Murphy	Rasmussen	Venditte		

Present and not voting, 1:

Schmit

Excused and not voting, 5:

Goodrich	Labedz	Maxey	Moylan	Warner

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

LEGISLATIVE BILL 340.

A BILL FOR AN ACT to amend section 19-709, Reissue Revised Statutes of Nebraska, 1943, relating to cities and villages, particular classes; to restrict eminent domain powers of first and second-class cities and villages 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, 38:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Cope	Cullan	DeCamp	Dworak
Fitzgerald	Fowler	George	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Merz	Mills	Murphy	Nichol
Rasmussen	Reutzel	Savage	Schmit	Simon
Stoney	Swigart	Venditte		

Voting in the negative, 3:

Clark	Duis	Marvel

Present and not voting, 3:

Chambers	Newell	Rumery

Excused and not voting, 5:

Goodrich	Labedz	Maxey	Moylan	Warner

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

LEGISLATIVE BILL 524.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to limit the bringing of certain actions; and to state legislative policy.

Whereupon the 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	Boughn	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Dworak	Fitzgerald	George	Hasebroock	Hefner
Kahle	Kelly	Keyes	Koch	Kremer
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marsh	Marvel	Merz	Mills	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte				

Voting in the negative, 0.

Present and not voting, 3:

Brennan	Chambers	Fowler

Excused and not voting, 5:

Goodrich	Labedz	Maxey	Moylan	Warner

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

EXPLANATION OF VOTES

Had I been present I would have voted "aye" on LB 40.

(Signed) W. H. Hasebroock

Had I been present I would have voted "no" on LB 38.

(Signed) M. Kremer

Had I been present when the final vote on LB 40 was taken, I would have voted "aye".

(Signed) Larry Stoney

Had I been present I would have voted "no" on LB 40.

(Signed) Bob Clark

Had I been present I would have voted "no" on LB 40.

(Signed) Dennis Rasmussen

Had I been present I would have voted "aye" on LB 40.

(Signed) Neil Simon

MOTION–Return LB 530 to Select File

Mr. Bereuter moved to return LB 530 to Select File for the following Warner specific amendment:

Strike Section 30.

Purpose – Remove the Koch amendment.

The motion prevailed with 33 ayes, 0 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 530. The Warner specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 530 to Select File

Mr. Bereuter moved to return LB 530 to Select File for the Warner specific amendment found in the Journal on page 1918.

The motion prevailed with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 530. The Warner specific amendment found in the Journal on page 1918 was adopted with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 531 to Select File

Mr. Schmit renewed his pending motion found in the Journal on page 2059 to return LB 531 to Select File for the specific amendment on page 2033.

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. Nichol asked unanimous consent to be excused for ten minutes. No objections. So ordered.

The Schmit motion to return LB 531 to Select File prevailed with 25 ayes, 15 nays, 5 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 531. The Schmit specific amendment found in the Journal on page 2033 was renewed.

Mr. DeCamp 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 Schmit specific amendment was adopted with 27 ayes, 14 nays, 4 present and not voting, and 4 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Warner moved to reconsider action on the adoption of the Schmit specific amendment found in the Journal on page 2033.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 6 nays, and 16 not voting.

The Warner motion to reconsider action lost with 20 ayes, 21 nays, 4 present and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 537 to Select File

Mr. Bereuter moved to return LB 537 to Select File for the following specific amendment:

On page 4, after line 1 insert: "There is included in the amount appropriated in LB 531, to Agency 15, Program 358, funds for the agency to have a records management study conducted and implemented."
"The Board of Parole shall promulgate and implement rules and regulations which will include the establishment of written procedures by which a parole is granted, denied, or revoked. Such rules and regulations shall be consistent with those requirements imposed on other state agencies, boards, and commissions under the Administrative Procedures Act. A copy of the rules and regulations developed by the Board of Parole shall be submitted to the Legislature's Committee on Administrative Rules and Regulations not later than December 1, 1977."

The motion prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 537. The Bereuter specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 550. E & R amendment found in the Journal on page 2066 for the Eighty-Fourth Day was adopted.

Mr. Duis renewed his pending amendment found in the Journal on page 2033.

Mr. Duis moved for a Call of the House. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. Duis requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Boughn	Carsten	Clark	DeCamp	Duis
Fitzgerald	George	Hefner	Kahle	Kelly
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Murphy	Nichol	Schmit
Swigart	Venditte			

Voting in the negative, 21:

Barnett	Bereuter	Brennan	Burrows	Cope
Cullan	Dworak	Fowler	Goodrich	Hasebroock
Keyes	Kremer	Marsh	Maxey	Merz
Reutzel	Rumery	Savage	Simon	Stoney
Warner				

Present and not voting, 4:

Chambers	Koch	Mills	Newell

Excused and not voting, 2:

Moylan	Rasmussen

The Duis amendment lost with 22 ayes, 21 nays, 4 present and not voting, and 2 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Stoney renewed his pending amendment found in the Journal on page 2044.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Stoney moved for a Call of the House. The motion prevailed with 20 ayes, 10 nays, and 19 not voting.

Mr. Stoney requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Boughn	Carsten	Clark	Cope	Cullan
Dworak	George	Hasebroock	Kelly	Labedz
Lamb	Maresh	Marvel	Murphy	Savage
Stoney	Venditte	Warner		

Voting in the negative, 28:

Barnett	Bereuter	Brennan	Chambers	DeCamp
Duis	Fitzgerald	Fowler	Goodrich	Kahle
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Marsh	Maxey	Merz	Mills
Moylan	Newell	Nichol	Reutzel	Rumery
Schmit	Simon	Swigart		

Present and not voting, 1:

Burrows

Excused and not voting, 2:

Hefner Rasmussen

The Stoney amendment lost with 18 ayes, 28 nays, 1 present and not voting, and 2 excused and not voting.

Mr. Koch moved to reconsider action on the Duis amendment found in the Journal on page 2033 voted on today.

Mr. Kelly moved the Call be raised. The motion prevailed with 21 ayes, 2 nays, and 26 not voting.

Mr. Simon 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 Koch motion to reconsider action prevailed with 25 ayes, 13 nays, 10 present and not voting, and 1 excused and not voting.

The Duis amendment was adopted with 26 ayes, 9 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 38, 38A, 39, 40, 41, 340, and 524.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 38, 38A, 39, 40, 41, 340, and 524.

MESSAGES FROM THE GOVERNOR

May 17, 1977

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

Dear Mr. President and Senators:

I am writing to advise you of two changes in my budget recommendation. I am making these changes as a result of the Legislature's actions on LB 522, the supplementary appropriations bill.

Because the Legislature has elected to use excess University cash funds in the 1977-78 budget rather than in the current year's budget as I had suggested, the 1977-78 University combined General Fund plus cash fund budget will exceed my original recommendations by over $1.5 million. I therefore wish to reduce my General Fund recommendation for the University by $1,692,876, and I recommend that this amount be used to make the last payment on the field house. The substitution of cash funds in the amount of $1,692,876 for General Funds in the 1977-78 University budget will result in no net change in my recommendation for the total University operational budget.

Since it is apparent that LB 533 and LB 549 are to be the vehicles of appropriation rather than my own bills, I urge your body to amend these bills accordingly.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

May 17, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 522, with my signature and my specific line item vetoes.

In total, I amreducing your spending authorization by $2,109,531 of General Fund from the Department of Education.

There is appropriated in LB 522 a total of $2,161,781 to the State Department of Education. I have approved the $14,250 for the Education Commission of the States and $38,000 of reappropriation for reimbursement of residential care and programs for the multihandicapped.

Along with these amounts there is appropriated $1,953,249 for reimbursement of 1975-76 special education programs and $156,282 for reimbursement of wards of the court.

I am vetoing these two items for several reasons. I am opposed to any open-ended appropriations which "promise" a local government that whatever it spends, the state taxpayers will reimburse by deficit appropriations. In this case, it is the school districts that have spent more than appropriated. Though the cause is commendable, the tendency to spend more than appropriated, as has been the attitude of some school districts in this area for many years, continues. They come back year after year with the same appeal.

I am also opposed to these appropriations because they will not provide any additional services. The year for which these reimbursements are being made is long since past; state and local taxes have already been raised and services delivered. These appropriated amounts, if passed over my veto, will simply become new revenues to schools for the ensuing year.

Third, I am also opposed to adding new monies to local governments for future years' expenditures when the state has a cash flow problem of its own to meet current year's obligations.

Fourth, I am opposed to the irresponsible recommendation of your Budget Committee in lowering our revenue reserve requirement from 6% to 5% in a time of obvious economic uncertainty, in order to fund these two large items. Any one of these reasons alone is sufficient cause to veto these ill-advised expenditures, and I urge your concurrence to sustain my actions. At the advice of your Budget Committee, you are playing footloose and fancy free with anticipated sources of revenue in the "game" that is being played with restraints in spending as recommended by the Governor.

For the University of Nebraska, I am accepting all of your amendments to my original bill. While my recommendation to spend excess cash funds at the University during the current year (and thus reduce the General Fund) was the obvious most appropriate course of action under the circumstances, your plan to spend the excess cash in 1977-78 accomplishes basically the same purpose of reducing the University cash balance and is not unreasonable. However, because of your combined actions on LB 522 and LB 533, you have increased the 1977-78 University total budget over $1.5 million above my recommendation. I therefore request that you reduce the 1977-78 University General Fund appropriation by a like amount and use the resultant savings to fund the last payment on the field house. This will cause no reduction in the

operations budget for the University as I recommended. We are simply directing them to employ their cash funds.

For the Medical Center, I am not vetoing your action on the use of UNMC cash funds during the current year even though it was not a part of my original bill. I am optimistic that this action, coupled with a tighter budget for UNMC in 1977-78, will cause some overdue rearrangement of priorities in medical education.

I hope that you will agree that our combined actions on LB 522 meet our legitimate obligations on all supplemental appropriations for 1976-77. I urge you to sustain the reductions I have made to this bill.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 17, 1977, at 3:22 p.m., were the following bills: 38, 38A, 39, 40, 41, 340 and 524.

(Signed) Jan Loder, Enrolling Clerk

UNANIMOUS CONSENT—Add Names to LB 402

Mr. Kremer and Mrs. Marsh asked unanimous consent to add their names to LB 402. No objections. So ordered.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting at the end of session, Room 2102.

EXPLANATION OF VOTE

I would have voted "yes" on LB 39, had I been present.

(Signed) R. D. Kelly

APPRECIATION

A note of appreciation was received from Norma Mills for flowers while in the hospital.

UNANIMOUS CONSENT–Print Amendment to LB 273

Mr. Dworak asked unanimous consent to print the following amendments to LB 273 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 273

1. In the Savage amendments found in the Journal on page 1993, strike beginning with "upon" in line 11 through the period in line 14 and insert "be licensed as provided in section 2 of this act."; and insert new sections as follows:

"Sec. 2. Any person desiring to place wagers as described in section 1 of this act shall be licensed by the Nebraska State Racing Commission. The fee for such license shall be one thousand dollars.

Sec. 3. The Nebraska State Racing Commission shall promulgate such rules, regulations, and licensing requirements as it deems necessary to carry out the provisions of this act.

Sec. 4. Any person violating any of the provisions of sections 1 or 2 of this act shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, be imprisoned in the county jail for not more than six months, or be both so fined and imprisoned.".

2. Renumber section 2 of the Savage amendment as section 5.

MR. BARNETT PRESIDING

UNANIMOUS CONSENT–Add Co-Introducer to LR 67 and LR 70

Mr. Chambers asked unanimous consent to add his name to LR 67 and LR 70. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 546. E & R amendments found in the Journal on page 2067 for the Eighty-Fourth Day were adopted.

Mr. Fowler renewed his pending amendment found in the Journal on page 2049.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

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 Fowler amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

Messrs. Reutzel and Venditte asked unanimous consent to be excused at 4:30 p.m. No objections. So ordered.

Mr. Swigart asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

Mr. Duis asked unanimous consent to be excused. No objections. So ordered.

Mr. Mills renewed his pending amendment found in the Journal on page 2085.

Mr. Maresh 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. Mills requested a record vote on his amendment.

Voting in the affirmative, 13:

Barnett	Cullan	DeCamp	Dworak	Kelly
Luedtke	Maxey	Mills	Murphy	Nichol
Savage	Schmit	Simon		

Voting in the negative, 19:

Bereuter	Boughn	Carsten	Cope	Fitzgerald
Fowler	Hasebroock	Kahle	Koch	Lamb
F. Lewis	Maresh	Marsh	Marvel	Rasmussen
Rumery	Stoney	Swigart	Warner	

Present and not voting, 11:

Brennan	Burrows	Chambers	George	Goodrich
Keyes	Kremer	R. Lewis	Merz	Moylan
Newell				

Excused and not voting, 6:

Clark Duis Hefner Labedz Reutzel Venditte

The Mills amendment lost with 13 ayes, 19 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Bereuter offered the following amendment to LB 546:
Strike section 4 and insert:

That section 25, Legislative Bill 984, Eighty-fourth Legislature, Second Session, 1976, be amended to read as follows:

Section 25. Program 912. The Department of Correctional Services is hereby authorized to improve and extend the central utility system ~~at lincoln~~ at the penitentiary site to include coal burning capability and to plan utility connections to state owned buildings in the proximity of such central utility system. There is hereby appropriated $188,400 from the State Building Fund and $1,000,000 from the Revenue Sharing Trust Fund for the fiscal year ending June 30, 1977, and $500,000 from the ~~State Building Fund~~ Revenue Sharing Trust Fund for the fiscal year ending June 30, 1978, for planning and to initiate utilities extension and improvements. There is hereby appropriated $1,880,000 from the State Building Fund for the fiscal year ending June 30, 1979 to complete the project.

The Department of Correctional Services is hereby directed to develop preliminary site plans ~~and preliminary resident housing plans for the maximum security~~ complex at the penitentiary site in Lincoln.

The amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 539 to Select File

Mr. Warner moved to return LB 539 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 539

Purpose: To revise language in all Department of Administrative Services programs consistent with the amendments adopted on May 11, 1977.

On page 13, line 21; and on page 14, lines 6 and 12, after "rebates" insert "or reductions in charges".

On page 13, lines 22 and 23; on page 14, lines 7 and 8, and lines 13 and 14, strike ", but instead lapsed to the General Fund".

Purpose: This amendment exempts the $50,000 added by the Chamber's amendment for the Indian Needs Study from the limitation for contractual services for the Department of Economic Development.
On page 18, after line 5, add the following sentence:
"Funds provided for the contracting of an Indian Needs study pursuant to LB 905 of 1976 shall not be included in the limitations for expenditures for contractual services."
Purpose: The Appropriations Committee amendments to LB 532 adopted on May 10, 1977, merged all Department of Public Welfare administrative costs into a single program.
This amendment revises LB 539 to be consistent with the LB 532 amendments adopted.
On page 4, line 5, strike "State Supervision" and insert "Administration"; strike line 12; line 17, strike "(3)" and insert "(2)".

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 539. The Warner specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MR. MARVEL PRESIDING

MOTION—Return LB 539 to Select File

Mr. Bereuter moved to return LB 539 to Select File for the following specific amendment:

The specific amendment is to re-instate the language in line 17, page 25 as it was found in the original bill.

The motion prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 539. The Bereuter specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 539 to Select File

Mr. Simon moved to return LB 539 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 539

On page 4, on line 22 after "standard." insert:

"In no case, however, shall any current recipient receive less than he or she is currently receiving in total from the State Supplement program unless a change in the individual's circumstances nessitates a recomputation of the special needs allowances."

The motion prevailed with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 539. The Simon specific amendment found in this day's Journal was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Boughn asked unanimous consent to be excused at 5:00 p.m. No objections. So ordered.

MOTION–Return LB 532 to Select File

Mr. Warner moved to return LB 532 to Select File for the following specific amendment:

Strike the DeCamp - Schmit amendment to LB 532, as amended by the Warner amendment, adopted on May 11, 1977, printed in the Journal on page 1973.

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 17 nays, and 27 not voting.

Mr. Nichol 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 Warner motion to return LB 532 to Select File prevailed with 25 ayes, 13 nays, 3 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. The Warner specific amendment found in this day's Journal was considered.

Mr. Keyes 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. Warner moved for a Call of the House. The motion prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. DeCamp requested a roll call vote on the Warner amendment.

Voting in the affirmative, 25:

Bereuter	Brennan	Carsten	Chambers	Cope
Cullan	Dworak	Fitzgerald	Fowler	Hasebroock
Kahle	Kelly	Keyes	Koch	Kremer
Maresh	Marsh	Marvel	Maxey	Moylan
Murphy	Newell	Nichol	Savage	Warner

Voting in the negative, 16:

Barnett	Burrows	DeCamp	George	Goodrich
Lamb	F. Lewis	R. Lewis	Luedtke	Merz
Mills	Rasmussen	Rumery	Schmit	Simon
Stoney				

Excused and not voting, 8:

Boughn	Clark	Duis	Hefner	Labedz
Reutzel	Swigart	Venditte		

The amendment was adopted with 25 ayes, 16 nays, and 8 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 549. E & R amendments found in the Journal on page 2067 for the Eighty-Fourth Day were adopted.

Mr. Warner offered the following amendment (1):

AMENDMENT TO LB 549

(1) On page 4, line 11, strike "180,260" and insert "115,260".
(2) Add the following new section 6 and renumber original sections 6 through 61 accordingly.

Sec. 6. Program 952. The Department of Public Institutions is hereby authorized to make fire safety improvements and to initiate renovation projects to comply with the regulations promulgated pursuant to Title XIX of the Social Security Act in structures at the Beatrice State Developmental Center. There is hereby appropriated $65,000 from the State Building Fund for the fiscal year ending June 30, 1978, to make the improvements.

It is the intent of the Legislature that such improvements will not be made to structures that will be vacated, surplused, or razed pursuant to the updated master plan in section 7 of this act.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Warner offered the following amendment (2):

AMENDMENT TO LB 549

On page 5, after line 4 insert the following:
There is hereby appropriated $50,000 from the State Building Fund for the fiscal year ending June 30, 1978, for renovation projects in structures at the Beatrice State Developmental Center to comply with regulations promulgated pursuant to Title XIX of the Social Security Act.
No expenditures shall be made from such appropriation until after the master plan has been submitted to and approved by the Governor and reviewed by the Executive Board of the Legislative Council.

The amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

Mr. Warner offered the following amendment (3):

On page 22 in line 2 after "plan." insert the following: "Such plan shall be submitted to the Executive Board of the Legislature and the Governor on or before Febraury 1, 1978."

The amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Mills renewed his pending amendment found in the Journal on page 2085.

Amendment pending.

VISITORS

The President introduced 11 eighth grader students, teacher and sponsors from St. Agnes School, South Omaha; 21 fourth grade students, teacher, and parents from Crete Upper Elementary School, Crete, Nebraska; 8 grade class, Sister Mary Elizabeth, Principal, and Father Francis Kenny from Mary our Queen School, Omaha, Nebraska.

ADJOURNMENT

At 5:53 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, May 18, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SIXTH DAY—MAY 18, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 18, 1977

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 Loving Father, we pray Thou wouldst give the motivation to each member of this assembly that they be not frustrated or anxious because of issues facing them, but that each to his ability may live up to his God-given capacity. Preserve them from faithless fears and foolish anxieties. May they be sensitive to that inner spark of celestial fire called conscience. May no clouds of rationalization or moral evil hide the light of Thy will from their lives. In our Master's name we pray. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Reutzel who was excused until 9:30 a.m.; and Messrs. Simon and Schmit who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Fifth Day was approved.

SPEAKER'S PROPOSAL

The Speaker proposed the following revised schedule for the remainder of the session.
Monday, May 23, 1977 – 87th Day
Tuesday, May 24, 1977 – 88th Day
Wednesday, May 25, 1977 – 89th Day
Wednesday, June 1, 1977 – 90th Day

Mr. Lamb moved the Speaker's revised order be overruled and the previous schedule be retained.

Mr. DeCamp 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 Lamb motion lost with 18 ayes, 22 nays, 8 present and not voting, and 1 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 46.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 549. Mr. Mills renewed his pending amendment found in the Journal on page 2085.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Mr. Mills requested a record vote on his amendment.

Voting in the affirmative, 14:

Barnett	Chambers	Clark	Cullan	DeCamp
Duis	George	Kahle	Kelly	Labedz
Luedtke	Maresh	Mills	Simon	

Voting in the negative, 25:

Bereuter	Boughn	Carsten	Cope	Dworak
Fitzgerald	Fowler	Hasebroock	Hefner	Keyes
Koch	Lamb	F. Lewis	Marsh	Marvel
Maxey	Moylan	Newell	Nichol	Rasmussen
Rumery	Schmit	Swigart	Venditte	Warner

Present and not voting, 10:

Brennan	Burrows	Goodrich	Kremer	R. Lewis
Merz	Murphy	Reutzel	Savage	Stoney

The Mills amendment lost with 14 ayes, 25 nays, and 10 present and not voting.

Messrs. R. Lewis, Fowler, and Mills offered the following amendment:

1. On page 6, after the period in line 23, on page 14, after the period in line 11, on page 16, after the period in line 16, and after the period in line 22, insert "The cost of solar domestic hot water heat and alternative fuel use shall be requested after findings and recommendations are available based on the University of Nebraska-Lincoln pilot project for solar domestic hot water systems. Plans shall be developed to accomodate future installations of these systems.".

The amendment was adopted with 33 ayes, 0 nays, and 16 present and not voting.

Mr. Barnett offered the following amendment:

On page 17 at the end of section 44 insert: Of the above appropriation an amount of $25,000 is to be expended for access and safety improvements in the area of 38th at Holdrege Street adjacent to the East Campus of the University of Nebraska at Lincoln.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Barnett amendment was adopted with 28 ayes, 0 nays, and 21 present and not voting.

Mr. Bereuter offered the following amendment:

SELECT FILE AMENDMENT TO LB 549

Insert a new Section 61 and renumber other sections appropriately.

"Sec. 61. The Executive Branch of Nebraska State Government shall make every effort to secure the full available state allocation under the Public Works Employment Act of 1977. Notwithstanding the construction projects and specific appropriations in the foregoing sections, any funds available under the state allocation of the federal Public Works Employement Act of 1977 up to a total amount of $2.4 million may be utilized to: (a) accelerate the construction activities by the Department of

correctional Services for the Medium-Minimum Security Facilities at Lincoln and Omaha, and the Diagnostic and Evaluation center at Lincoln; and (b) accelerate the construction activities by the Nebraska Game and Parks Commission contemplated in the short-range and long-range development plans for, first, Indian Cave State Park, and secondarily, the other four state parks. All receipts accruing to the State of Nebraska under the Public Works Employment Act of 1977 are hereby appropriated for the period ending June 30, 1978. The authorization provided in this section shall not be construed as approval of any expansion of currently approved projects of the Department of Correctional Services."

Mr. Kelly offered the following amendment to the Bereuter amendment:
Strike "for, first, Indian Cave State Park, and, secondarily, the other four parks." on lines 15 and 16.

Mr. Clark 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 Kelly amendment was adopted with 42 ayes, 0 nay, and 7 present and not voting.

Mr. George offered the following amendment to the Bereuter amendment:
To amend the Bereuter amendment to LB 549 to include:
c) a detention facility for Thurston County.

Mr. Bereuter asked the Chair to rule if the George amendment is germane.

The Chair ruled the George amendment out of order and not germane.

Mr. F. Lewis offered the following amendment to the Bereuter amendment:
Strike section B

Mr. Newell offered the following amendment to the F. Lewis amendment to the Bereuter amendment:
To amend the F. Lewis Amendment to strike Section (a) as well as (b) placing the period after utilized and striking to:

The Chair ruled the amendment out of order at this time.

Mr. F. Lewis moved for a Call of the House. The motion lost with 16 ayes, 17 nays, and 16 not voting.

Mr. F. Lewis requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Barnett	Brennan	Clark	DeCamp	Duis
Fitzgerald	Goodrich	Hasebroock	Koch	Kremer
Lamb	F. Lewis	Luedtke	Maresh	Moylan
Newell	Rumery	Savage	Simon	Stoney
Venditte				

Voting in the negative, 23:

Bereuter	Burrows	Carsten	Cope	Cullan
Dworak	Fowler	Hefner	Kahle	Kelly
Keyes	Labedz	R. Lewis	Marsh	Maxey
Merz	Mills	Murphy	Nichol	Rasmussen
Reutzel	Swigart	Warner		

Present and not voting, 5:

Boughn	Chambers	George	Marvel	Schmit

The F. Lewis amendment lost with 21 ayes, 23 nays, and 5 present and not voting.

Mr. Duis offered the following amendment to the Bereuter amendment:
Strike all of (a)

Mr. Simon 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 Duis amendment lost with 15 ayes, 11 nays, and 23 present and not voting.

Mr. Newell offered the following amendment to the Bereuter amendment:
Strike A & B from the Bereuter amendment place the period after utilized and strike "to:" from the end of the remaining motion.

The Chair ruled the amendment out of order as being a reconsideration.

Mr. Newell challenged the ruling of the Chair.

The question is, "Shall the Chair be overruled?" The motion lost with 13 ayes, 20 nays, and 16 not voting.

The Chair was sustained.

Mr. Simon 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. Bereuter moved for a Call of the House. The motion prevailed with 16 ayes, 13 nays, and 10 not voting.

Mr. Clark moved the Call be raised. The motion prevailed with 21 ayes, 14 nays, and 14 not voting.

Mr. Bereuter requested a roll call vote on his amendment.

Voting in the affirmative, 27:

Bereuter	Burrows	Carsten	Cope	Cullan
Dworak	Fowler	George	Hasebroock	Hefner
Kelly	Kremer	Labedz	Lamb	R. Lewis
Maresh	Marsh	Marvel	Maxey	Merz
Mills	Murphy	Nichol	Rasmussen	Rumery
Swigart	Warner			

Voting in the negative, 20:

Barnett	Boughn	Brennan	Clark	DeCamp
Duis	Fitzgerald	Kahle	Keyes	Koch
F. Lewis	Luedtke	Moylan	Newell	Reutzel
Savage	Schmit	Simon	Stoney	Venditte

Present and not voting, 2:

Chambers Goodrich

The Bereuter amendment, as amended, was adopted with 27 ayes, 20 nays, and 2 present and not voting.

Mr. Clark requested a machine vote to advance LB 549 to E & R Final.

Advanced to E & R for Engrossment with 25 ayes, 15 nays, and 9 present and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 220. Replaced on Select File as amended.
E & R amendments to LB 220:

1. For correlation purposes, in the DeCamp amendments, page 1, line 5, and page 3, line 20, insert ", as amended by section 1, Legislative Bill 254, Eighty-fifth Legislature, First Session,

1977" after "1943"; and on page 3, line 1, insert a period after "license" and strike the remainder of the sentence.

2. On page 1, line 13, insert "and" after "dollars".

3. In the title as amended, line 2, strike "relating to alcoholism;"; in line 3 insert ", as amended by section 1, Legislative Bill 254, Eighty-fifth Legislature, First Session, 1977, relating to alcoholic liquors" after "1943"; and in line 3 strike "privilege" and insert "on liquors".

LEGISLATIVE BILL 273. Replaced on Select File as amended.
E & R amendments to LB 273:

1. In the Savage amendments, line 6, strike the first "or" and insert "on"; in line 11 insert "be guilty of a misdemeanor and shall," after "shall"; and in line 13 insert "or" after the comma.

2. In the title as amended, line 5, insert "or certificate" after "pari-mutuel".

LEGISLATIVE BILL 518. Replaced on Select File as amended.
E & R amendments to LB 518:

1. In the Schmit amendments adopted 5/16, line 6, strike the first comma; and in line 7 strike "and".

2. In the Final Reading title, line 14, insert "to provide for construction;" after the second semicolon.

(Signed) Samuel K. Cullan, Chairman

MOTION–Rule Change

Mr. Simon offered the following rule change:

That all announced or unannounced candidates for higher office next year only be allowed to talk once on a bill.

Mr. Simon withdrew his motion.

SELECT FILE

LEGISLATIVE BILL 309. E & R amendments found in the Journal on page 2066 for the Eighty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 309A. E & R amendment found in the Journal on page 2066 for the Eighty-Fourth Day was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 545. Advanced to E & R for Engrossment.
LEGISLATIVE BILL 547. Advanced to E & R for Engrossment.

LEGISLATIVE BILL 509. E & R amendments found in the Journal on page 2065 for the Eighty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 220. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 273. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 518. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

MOTION—Return LB 533 to Select File

Mr. Warner moved to return LB 533 to Select File for the following specific amendment:

SPECIFIC AMENDMENT TO LB 533

(1) PURPOSE: Amend Committee Amendment VI-2 found on page 1759 of the Journal to delete language duplication.
On page 1759 of the Legislative Journal, subsection VI-2, after Scottsbluff Education Center insert: "." and strike "and in Program 843, $35,514 for admissions recruiters.".
(2) PURPOSE: Amend Committee Amendment VI-4 found on page 1759 of the Journal to delete language duplication.
On page 1759 of the Legislative Journal, subsection VI-4, after Major in Business Finance insert: "." and strike "and in Program 851, $25,000 for admissions recruiters.".
(3) PURPOSE: Correct an editing error in Peru State College's Student Support subprogram 825.
On page 12, line 19, strike "893,049" and insert "893,052".

The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

SELECT FILE

LEGISLATIVE BILL 533. The Warner specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, and 20 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 533 to Select File

Mr. DeCamp moved to return LB 533 to Select File for the following specific amendment:

AMENDMENT TO LB 533

PURPOSE: To increase the appropriation for Aid to Technical Community Colleges to $14,100,000.

1. On page 29, lines 18, 19, 22 and 23 strike "13,582,667" and insert $14,100,000.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 4 nays, and 17 not voting.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

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

Voting in the affirmative, 26:

Barnett	Boughn	Brennan	DeCamp	Dworak
Fitzgerald	Fowler	Goodrich	Hefner	Kahle
Kelly	Koch	Labedz	F. Lewis	Luedtke
Maresh	Marvel	Maxey	Mills	Newell
Nichol	Reutzel	Savage	Schmit	Simon
Venditte				

Voting in the negative, 18:

Bereuter	Burrows	Carsten	Clark	Cope
Cullan	Duis	George	Hasebroock	Keyes
Kremer	Lamb	R. Lewis	Murphy	Rasmussen
Rumery	Stoney	Warner		

Present and not voting, 5:

Chambers	Marsh	Merz	Moylan	Swigart

The DeCamp motion prevailed with 26 ayes, 18 nays, and 5 present and not voting.

SELECT FILE

LEGISLATIVE BILL 533. The DeCamp specific amendment found in this day's Journal was considered.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 5 nays, and 15 not voting.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Boughn	Brennan	DeCamp	Fitzgerald
Fowler	Goodrich	Hefner	Kahle	Kelly
Koch	Labedz	F. Lewis	Luedtke	Maresh
Maxey	Merz	Mills	Moylan	Newell
Nichol	Reutzel	Savage	Schmit	Simon
Venditte				

Voting in the negative, 22:

Bereuter	Burrows	Carsten	Clark	Cope
Cullan	Duis	Dworak	George	Hasebroock
Keyes	Kremer	Lamb	R. Lewis	Marsh
Marvel	Murphy	Rasmussen	Rumery	Stoney
Swigart	Warner			

Present and not voting, 1:

Chambers

The amendment was adopted with 26 ayes, 22 nays, and 1 present and not voting.

Advanced to E & R for Engrossment.

Mr. DeCamp moved the Call be raised. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

LEGISLATIVE BILL 131. E & R amendments found in the Journal on page 2055 for the Eighty-Fourth Day were adopted.

Advanced to E & R for Engrossment.

SPEAKER LUEDTKE PRESIDING

MOTION–Return LB 533 to Select File

Mr. Savage moved to return LB 533 to Select File for the following specific amendment:

To reconsider our action on the Warner amendment to LB 533 which is found on page 2011 of the Legislative Journal.

Mr. Savage moved for a Call of the House. The motion prevailed with 18 ayes, 13 nays, and 18 not voting.

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

Voting in the affirmative, 25:

Barnett	Brennan	Cope	DeCamp	Fitzgerald
George	Goodrich	Hasebroock	Koch	Labedz
F. Lewis	Luedtke	Marsh	Marvel	Mills
Moylan	Nichol	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 21:

Bereuter	Boughn	Burrows	Carsten	Clark
Cullan	Duis	Dworak	Fowler	Hefner
Kahle	Kelly	Keyes	Kremer	Lamb
R. Lewis	Maresh	Maxey	Murphy	Rasmussen
Reutzel				

Present and not voting, 3:

Chambers	Merz	Newell

The motion to return to Select File prevailed with 25 ayes, 21 nays, and 3 present and not voting.

VISITORS

The President introduced 53 fifth grade students, teachers, and parents from West Lawn, Grand Island, Nebraska; Larry Davis, Jan Johnson, Shirley Baker, C. Knutzen, and Esther Saltell from Bellevue, Nebraska; 46 fourth grade students, teachers, and parents from Ashland Elementary School, Ashland, Nebraska; 33 seventh and eighth grade students and teachers from Trinity Lutheran, Fremont, Nebraska; 34 third and fourth grade students, teachers, and parents from St. Joseph's Elementary School, York, Nebraska; 16 juniors and 4 teachers from Blair Junior & Senior High School, Blair, Nebraska.

RECESS

At 12:10 p.m., on a motion by Mr. Savage, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Speaker Luedtke presiding.

ROLL CALL

The roll was called and all members were present except Mr. Rasmussen who was excused; and Messrs. Chambers, F. Lewis, and Schmit who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: 518.

Correctly Engrossed

The following bill was correctly engrossed: 220.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 533. Mr. Savage renewed his pending motion found in this day's Journal to reconsider action on the Warner amendment on page 2011.

Mr. Barnett 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 reconsider action prevailed with 25 ayes, 13 nays, 7 present and not voting, and 4 excused and not voting.

Mr. Savage moved the adoption of the Warner amendment.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24ayes, 8nays, and 17not voting.

Mr. Savage moved for a Call of the House. The motion prevailed with 19 ayes, 12 nays, and 18 not voting.

The Warner amendment was adopted with 26 ayes, 16 nays, 3 present and not voting, and 4 excused and not voting.

Mr. Savage moved the Call be raised. The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 533 to Select File

Mr. Carsten moved to return LB 533 to Select File for the following specific amendment:

Strike the Warner amendment found in the Journal on page 2011 as reconsidered by Mr. Savage this date and insert the Carsten amendment found in the Journal on page 2085.

Mr. Carsten moved for a Call of the House. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

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

Voting in the affirmative, 18:

Bereuter	Burrows	Carsten	Clark	Cope
Cullan	DeCamp	Duis	Hefner	Kahle
Kelly	Kremer	Lamb	R. Lewis	Maresh
Merz	Murphy	Rumery		

Voting in the negative, 26:

Barnett	Boughn	Brennan	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Keyes	Koch
Luedtke	Marsh	Marvel	Maxey	Mills
Moylan	Newell	Nichol	Reutzel	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Present and not voting, 2:

Dworak	Labedz

Excused and not voting, 3:

Chambers	F. Lewis	Rasmussen

The motion to return lost with 18 ayes, 26 nays, 2 present and not voting, and 3 excused and not voting.

Mr. Reutzel moved the Call be raised. The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

MOTION—Return LB 532 to Select File

Messrs. DeCamp and Schmit moved to return LB 532 to Select File for the following specific amendment:

1. On page 22, after line 25 insert: "Not more than $50,000 total funds shall be expended by this agency, including any funds provided as state aid to any political subdivision, for use for billboard or sign removal.".

The motion prevailed with 25 ayes, 7 nays, 14 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. The DeCamp-Schmit specific amendment found in this day's Journal was considered.

Mr. Bereuter requested a record vote on the amendment.

Voting in the affirmative, 26:

Barnett	Boughn	Burrows	Carsten	Clark
DeCamp	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Kahle	Lamb	R. Lewis	Luedtke
Maresh	Merz	Mills	Moylan	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Swigart				

Voting in the negative, 9:

Bereuter	Cope	Cullan	Koch	Marsh
Marvel	Murphy	Stoney	Warner	

Present and not voting, 11:

Brennan	Duis	Dworak	Fowler	Kelly
Keyes	Kremer	Labedz	Maxey	Newell
Venditte				

Excused and not voting, 3:

Chambers	F. Lewis	Rasmussen

The amendment was adopted with 26 ayes, 9 nays, 11 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 52. E & R amendments found in the Journal on page 2056 for the Eighty-Fourth Day were adopted.

Mr. DeCamp reoffered his amendment found in the Journal on page 1832.

The amendment was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 52A. Laid over at the request of Mr. DeCamp.

MOTION–Return LB 131 to Select File

Mr. Koch moved to return LB 131 to Select File for the following specific amendment:

1. In the DeCamp amendments, Journal page 1957, line 25 strike "hearing" and insert "hearings"; line 26 strike "month of" and insert "months of July or".

The motion prevailed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 131. The Koch specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MOTION–Return LB 131 to Select File

Mr. F. Lewis moved to return LB 131 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. F. Lewis withdrew the motion.

UNANIMOUS CONSENT–Member Excused

Mrs. Labedz asked unanimous consent to be excused Monday, Tuesday, and Wednesday, May 23, 24 and 25, 1977. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 548. E & R amendment found in the Journal on page 2066 for the Eighty-Fourth Day was adopted.

Mr. Marvel renewed his pending amendment found in the Journal on page 2084.

The amendment was adopted with 25 ayes, 0 nays, 23 present and not voting, and 1 excused and not voting.

Advanced to E & R for Engrossment.

Mr. Clark asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 540. E & R amendments found in the Journal on page 2067 for the Eighty-Fourth Day were adopted.

Mr. F. Lewis offered the following amendment:

AMENDMENT TO LB 540

1. In the committee amendment 2., line 3, on page 2050 of the Journal strike "seven" and insert "four".

2. On page 3, line 24 after "dollars" insert "and fifty cents".

The amendment was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540A. Laid over at the request of Mr. F. Lewis.

MOTION—Return LB 546 to Select File

Mr. Warner moved to return LB 546 to Select File for the following specific amendment:
Amendment to the Bereuter amendment to LB 546 on page 2107 of the Journal.
After "system." in line 7 insert:
"Except that $188,400 is intended for utilities improvements to the total Lincoln penal complex."

The motion prevailed with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 546. The Warner specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

MESSAGE FROM THE GOVERNOR

May 18, 1977

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

Dear Mr. President and Senators:

In my letter of May 17, 1977, I indicated that I had vetoed $1,953,249 from the special education appropriation in LB 522. I struck this amount in Program 292 of the Department of Education from the General Fund, program total, and agency summary appropriation lines.

There is another paragraph in LB 522, in the language portion of the Program 292 appropriation, which also refers to this amount, and which I did not strike. I wish to advise you that this amount should also have been stricken so that all references to this appropriation are deleted in accordance with my intentions.

The Attorney General has advised that this action is not necessary as the Governor made it clear in his message his intent. However, to eliminate any possible misunderstanding I am clarifying this point.

Sincerely,

(Signed) J. James Exon
Governor

JJE:ah

MOTION–Return LB 4 to Select File

Mr. Barnett moved to return LB 4 to Select File for the following specific amendment:

To add the emergency clause.

The motion prevailed with 25 ayes, 2 nays, 20 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 4. The Barnett specific amendment found in this day's Journal to add the emergency clause was adopted with 26 ayes, 2 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION—Return LB 4 to Select File

Mr. Barnett moved to return LB 4 to Select File for the following specific amendment:

1. Insert a new section to read:
"Sec. 3. That section 49-1489, Revised Statutes Supplement, 1976, be amended to read as follows:
49-1489. Each lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the statements required to be made pursuant to section 49-1483 for three years after the report containing those items is filed. These records shall be made available for inspection upon request by the commission after reasonable notice. Nothing in this section shall require that a receipt for any food and drink expenditure be kept if such expenditure is in an amount of less than twenty-five dollars.".
2. On page 2, line 20 after "49-1482" insert a comma and strike "and"; and in line 21 after "49-1486," insert "and 49-1489,".
3. Renumber original section 3 as section 4.
4. In the title, line 2 after "49-1482" insert a comma and strike "and" and after "49-1486," insert "and 49-1489,"; and in line 5 after the semicolon insert "to change provisions relating to records and documents to substantiate statements;".

MR. F. LEWIS PRESIDING

Mr. Venditte 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 return prevailed with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 4. The Barnett specific amendment found in this day's Journal was adopted with 32 ayes, 2 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to E & R for Re-Engrossment with 27 ayes, 6 nays, 14 present and not voting, and 2 excused and not voting.

Mr. Reutzel asked unanimous consent to be excused at 3:45 p.m. No objections. So ordered.

MOTION–Return LB 4 to Select File

Mr. Chambers moved to return LB 4 to Select File for the following specific amendment:

Amend Barnett amendment: Line 14, strike "dollars", insert "cents".

Mrs. Marsh 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 Chambers motion to return lost with 7 ayes, 21 nays, 19 present and not voting, and 2 excused and not voting.

MOTION–Return LB 509 to Select File

Mr. Nichol moved to return LB 509 to Select File for the following specific amendment:

Renumber Section 10 to read Section 11 and insert the following language as Section 10:

"If Public Law 94-566 or the Federal Acts it amends
is adjudged unconstitutuinal (sic) or invalid in its application
or stayed pendente lite by any court of competent jurisdiction then
the coverage under this law of those employees of any political
subdivision is automatically stayed or repealed.

Mr. DeCamp moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Nichol motion to return prevailed with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 509. The Nichol specific amendment found in this day's Journal was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 273 to Select File

Mr. Dworak moved to return LB 273 to Select File for the specific amendment found in the Journal on page 2105.

Mr. Simon 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. Dworak moved for a Call of the House. The motion prevailed with 16 ayes, 5 nays, and 28 not voting.

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

Voting in the affirmative, 17:

Barnett	Bereuter	Boughn	Brennan	Chambers
DeCamp	Dworak	Fowler	George	Keyes
Luedtke	Marsh	Marvel	Newell	Nichol
Simon	Warner			

Voting in the negative, 20:

Carsten	Cope	Cullan	Goodrich	Hasebroock
Hefner	Koch	Kremer	Lamb	R. Lewis
Maresh	Maxey	Mills	Moylan	Murphy
Rumery	Savage	Schmit	Swigart	Venditte

Present and not voting, 9:

Burrows	Duis	Fitzgerald	Kahle	Kelly
Labedz	F. Lewis	Merz	Stoney	

Excused and not voting, 3:

Clark	Rasmussen	Reutzel

The Dworak motion to return lost with 17 ayes, 20 nays, 9 present and not voting, and 3 excused and not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 18 ayes, 5 nays, and 26 not voting.

MOTION–Return LB 273 to Select File

Mr. Dworak moved to return LB 273 to Select File for the specific amendment (2) found in the Journal on page 2079.

Mr. Nichol moved the previous question. The question is, "Shall the debate now close?" The motion lost with 16 ayes, 6 nays, and 27 not voting.

Mr. Newell offered the following amendment to the Dworak amendment:
To require that the addition 2½% increase be returned to Douglas County.

The Chair ruled the amendment out of order.

Mr. Venditte asked unanimous consent to be excused. No objections. So ordered.

Mr. Dworak moved to bracket LB 273 until January 10, 1978.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

The motion to bracket lost with 12 ayes, 22 nays, 11 present and not voting, and 4 excused and not voting.

Mr. Nichol 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 motion to return to Select File lost with 13 ayes, 25 nays, 7 present and not voting, and 4 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 131, 545, and 547.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Member Excused

Mrs. Maxey asked unanimous consent to be excused. No objections. So ordered.

UNANIMOUS CONSENT—Withdraw Amendments

Mr. Dworak withdrew his amendment (1) found in the Journal on page 2078 and his amendment (3) found in the Journal on page 2079.

MOTION—Return LB 273 to Select File

Mr. Simon moved to return LB 273 to Select File for the Dworak amendment (2) found in the Journal on page 2079 as modified as follows:

Adopt the Dworak amendment with the following changes – Change the 7½% tax to 6% and have the tax apply to all race tracks.

Mr. Koch 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 Chair ruled Mr. Simon had closed on the motion.

Mr. Simon challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?" The motion lost with 8 ayes, 18 nays, and 23 not voting.

The Chair was sustained.

The Simon motion to return to Select File lost with 10 ayes, 20 nays, 14 present and not voting and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 204. Replaced on Select File as amended.
E & R amendments to LB 204:

1. In lieu of the Goodrich amendment to section 9, on page 5, line 4, insert "except that a private facility accredited as an alcoholism program by the Joint Commission on Accreditation of Hospitals shall be deemed to be in compliance with such standards," after the comma.

2. In lieu of the Goodrich amendment to the F. Lewis amendment, in line 5 of E & R 9 adopted 5/10, insert ", except that in the case of services provided by a hospital licensed under the provisions of section 71-2020 a copy of the hospital's most recently submitted annual Medicare Cost Report

may be provided to the governing board in lieu of the submission of a detail audit" after "act".

3. Renumber original sections 9 to 19 as sections 6 to 16, new sections found in the R. Lewis amendments adopted 5/6 as sections 17 to 19, original sections 20 to 23 as sections 20 to 23, original section 25 as section 24, new sections 29 and 30 added by the Mills amendments adopted 5/16 as sections 26 and 27, original sections 26 and 27 as sections 28 and 29, and original section 29 as section 31.

4. Insert a new section to read:

"Sec. 30. That original section 83-1009, Revised Statutes Supplement, 1976, is repealed.".

5. In the Mills amendments adopted 5/16, page 1, line 18, strike "29" and insert "26"; and strike lines 23 to 25.

6. In new section 25, line 4, insert an underscored comma after "act".

7. Strike the E & R amendment to page 9, line 11.

8. In line 2 of E & R 8 adopted 5/10, strike "line 5 and" and in line 5 of renumbered section 19 strike "to the Department".

9. In line 4 of E & R 9 adopted 5/10, strike "detailed" and insert "detail".

10. In the title as amended, strike lines 2 to 11 and insert:

"FOR AN ACT relating to alcoholism; to provide for alcoholism facilities, programs, and services as prescribed; to amend section 83-1009, Revised Statutes Supplement, 1976; to define and redefine terms; to provide severability; to provide an operative date; to repeal the original section; and to declare an emergency.".

11. On page 9, line 11, strike "9" and insert "6".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 204. 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: 204, 204A, 309, and 309A.

(Signed) Samuel K. Cullan, Chairman

UNANIMOUS CONSENT—Members Excused

Mr. Fitzgerald asked unanimous consent to be excused. No objections. So ordered.

Mr. Kremer asked unanimous consent to be excused the remainder of the day and Monday, Tuesday, and Wednesday of next week. No objection. So ordered.

Mrs. Labedz asked unanimous consent to be excused. No objections. So ordered.

MOTION—Return LB 273 to Select File

Mr. Chambers moved to return LB 273 to Select File for the following specific amendment:

In Savage amendment, line 13, put period after "dollars" and strike remainder of lines 13 and 14.

Amendment pending.

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting after adjournment today in Room 2102.

MOTION—Override Veto on LB 522

Mr. Warner moved that pursuant to the Appropriations Committee recommendation that LB 522 be enacted notwithstanding the objection of the Governor. Motion pending.

VISITORS

The President introduced 31 fifth and sixth grade students, teachers, and sponsor from Hooker Elementary District No. 26, Dodge County; and Mr. Brice Ahmstede from Guide Rock, Nebraska.

ADJOURNMENT

At 5:04 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Monday, May 23, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-SEVENTH DAY—MAY 23, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 23, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Luedtke presiding.

PRAYER

The Prayer was offered by the Chaplain.

> Eternal God, at the beginning of a new and busy day we close our eyes, not to shut out the world but to look beyond it to Thy boundless horizon, so we may be more relevant in the things we do and say. Give to this strategic body poise and a right sense of timing. There is that tide in life which, when taken, leads to victory. Guide these leaders of our State that they may discern the signs of the times and lead us in the paths of fullness and peace. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Messrs. Kelly and Kremer who were escused; Messrs. Fitzgerald and Newell who were excused until they arrive; and Messrs. Geroge and Merz who were absent until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2134, line 5 and 6, add "to LB 273".
The Journal for the Eighty-Sixth Day was approved as corrected.

UNANIMOUS CONSENT—Member Excused

Mr. Cullan asked unanimous consent to be excused this afternoon and Tuesday, May 24, and Wednesday, May 25, 1977. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

May 19, 1977

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

Dear Mr. President and Senators:

I return herewith LB 33 without my signature and with my objections which are essentially five-fold:

1. This is a tax increase measure. Thirty-one Senators have directed an increase in the statewide sales tax to a new all time high of 3½%; 4½% in Omaha, Lincoln, Bellevue and North Platte. This would cause Nebraskans to pay the highest sales tax rates of any of our neighboring states except South Dakota, which has no state income tax, but a 4% sales tax. These legislators are mandating that Nebraska be No. 1 in the Big Eight states in the sales tax rate.

2. This is still another spending measure. LB 33 is programmed to increase school spending by an additional $60 million by three-year installments of $20 million each year. Considering the present $55 million in state aid, the addition would bring the state contribution in three years to $115 million.

3. The bill carries the false premise that it will provide general statewide reductions in real estate taxes. Thousands of Nebraskans have been misled once again into believing this is "tax relief." The fact is that it is the same old "devil's tax brew" concocted by the Legislature previously. Meanwhile, general real estate tax dollars have continued to climb as they will further if LB 33 is passed over my veto. This is more of legislative "tax relief" that has proven faulty over and over again. Let us note once again that while the Legislature has been providing "relief," real estate taxes have doubled and in some cases tripled in the last ten years. This is the kind of "tax relief" the people don't need or want.

4. The Legislature has ignored once again the attitude of state taxpayers. Only two and one-half years ago, the people rejected a statewide referendum vote on a similar measure passed by the Legislature over the Governor's veto. Why will the Legislature not listen to the people rather than the lobbyists and special interest groups?

5. LB 33 as passed and sent to the Governor is an unworkable monstrosity that would cause chaos in government, education, and certainly among the people. The measure does not even do what its proponents, drafters, and lobbyists propose. It does not make a valid appropriation from the School Foundation and Equalization Fund, and

therefore the $20 million could not be paid out to the school districts even if the Legislature overrides this veto. Yet, the State Board of Equalization would be required to raise the sales tax to bring in the $20 million proposed payment that could not be made by the state. The Legislature has indeed impaled itself on its own created horns of a dilemma on this one. Please note attached copies of two Attorney General's Opinions requested by the Governor on LB 33. The last of these two opinions was not received until late in the afternoon on Wednesday, May 18, and was one of the reasons I could not return this measure to the Legislature on Wednesday as requested by some for an immediate override attempt.

Your bill, LB 33, is hereby vetoed and returned in its same impossible form. For all reasons, it should be laid to rest quietly and quickly.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:fw

Attachments

ATTORNEY GENERAL'S OPINIONS

May 18, 1977

Honorable J. James Exon
Governor of Nebraska
State Capitol Building
Lincoln, Nebraska 68509

Dear Governor Exon:

You have requested our opinion on the following question: "If LB 33 becomes law over my veto, does the language in subsection 4 of section 7 authorize any state officer to distribute the $20 million to the various school districts throughout the state pursuant to the formula outlined in LB 33?" In answer to your question we point out that LB 33, section 7, subsection 4 provides:

> "(4) There is hereby appropriated twenty million dollars from the General Fund for the period July 1, 1977, to June 30, 1978 to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143, . . . to aid in carrying out the provisions of this act."

The mere fact that a sum of money may be appropriated to a specific fund by an act of the Legislature does not authorize the expenditure of that sum unless there is an act clearly granting the authority to the

agency responsible for administering the fund to expend such monies. LB 33 does not contain such authorization. Section 79-1332, R.R.S. 1943, provides:

> "There is hereby established in the state treasury a special fund to be known as the School Foundation and Equalization Fund. Such fund shall consist of such sums as the Legislature may appropriate, and shall be administered by the State Board of Education. Any money in the School Foundation and Equalization Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259."

We find no authorization for the State Board of Education to expend the $20 million dollar sum referred to in LB 33. We have reviewed this year's budget bill and do not find an appropriation commensurate with that contained in subsection 4 of section 7 of LB 33. In State v. Wallichs, 15 Neb. 609, 20 N.W. 110 (1884), an action was brought to compel the auditor to draw a warrant on the temporary school fund to pay for county bonds purchased by the Board of Educational Lands and Funds. It was claimed that there was an implied appropriation sufficient to pay the charge. At that time an act provided the power to invest the funds of the Board of Educational Lands and Funds. There was however no legislative bill appropriating money for this purpose. The court held that there can be no implied appropriation of money under the Constitution and that there was a failure to make an express appropriation of the temporary school fund for the purposes named in the section. We believe that the situation existing under LB 33 is controlled by State v. Wallichs. It is therefore our opinion that should LB 33 become law absent some further act by the Legislature, there will be no authority to expend the sums set forth in LB 33 granted to any agency or instrumentality of government. Thus, it would appear that while there would be set aside from the General Fund a specified amount, the expenditure of that amount would be blocked because of a failure to designate what authority is to expend those funds.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:pjs

May 18, 1977

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

Dear Governor:

You have asked whether, assuming that LB 33 and LB 33A do not authorize any state officer to distribute to the various school districts the twenty million dollars "appropriated" by LB 33A, the State Board of Equalization and Assessment would nevertheless be required to raise tax rates in order to generate revenue to permit the transfer of this sum from the General Fund to the School Foundation and Equalization Fund. We conclude that it would. LB 33A provides:

> "Section 1. There is hereby appropriated twenty million dollars from the General Fund for the period July 1, 1977 to June 30, 1978, to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143, to aid in carrying out the provisions of Legislative Bill 33, Eighty-fifth Legislature, First Session, 1977.
>
> "Sec. 2. There is hereby appropriated forty million dollars from the General Fund for the period July 1, 1978, to June 30, 1979, to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143, to aid in carrying out the provisions of Legislative Bill 33, Eighty-fifth Legislature, First Session, 1977."

This bill is substantially a copy of section 7(4) of LB 33. Assuming that neither that section of LB 33 nor LB 33A amounts to a valid appropriation to any state agency, allowing the expenditure of the sums involved, these provisions are, nevertheless, legislative directions for the transfer of such sums from the General Fund to the School Foundation and Equalization Fund, from which latter fund they cannot be withdrawn except by appropriation. The General Fund will therefore be depleted in the amount of such sums.

Section 77-2715.01, R.R.S. 1943, prescribes the procedure for the setting of sales and income tax rates. The provisions of that section are too lengthy to set forth herein, but in general they provide that rates shall be set so that the estimated funds available plus estimated receipts from sales, use, income, and franchise taxes will not be less than 3 nor more than 7 percent in excess of appropriations and express obligations. Section 7(5) of LB 33 seems to resolve any doubts about whether the sums mentioned in that section are to be taken into account by the State Board of

Equalization and Assessment, by saying:

> "(5) This section shall be considered as establishing express obligations of the State of Nebraska for the purposes of setting tax rates as provided in section 77-2715.01."

Even if the Legislature had not stated that these were express obligations, we would reach the same result. Even though the sums could not be spent, they are to be transferred to the School Foundation and Equalization Fund, depleting the General Fund to that extent. Section 77-2715.01(1)(d) provides in part:

> ". . .The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations as certified as provided in subdivision (a) of this subsection."

Therefore, even if LB 33 and LB 33A did not create express obligations, they nevertheless deplete the General Fund, which would have to be restored to a point where it could meet appropriations and express obligations. The board therefore will, if these bills become law, have to take them into account, even if the money cannot be spent, but remains in the School Foundation and Equalization Fund.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:lc

May 18, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 340, 347, 347A, 520, 520A, and Reengrossed Legislative Bill No. 524.

These bills were signed by me on May 18, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 52. Replaced on Select File as amended.
E & R amendments to LB 52:

1. In the DeCamp amendments, page 1, strike lines 13 and 14.

2. For correlation purposes, in the DeCamp amendments, page 1, line 16, insert ", as amended by section 2, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977" after "1976"; and in line 20, strike "eight" and insert "nine".

3. For correlation purposes, in the DeCamp amendments page 2, line 9, insert ", as amended by section 3, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977" after "1976"; in lines 11 and 20, strike "eight" and insert "nine"; in line 15 strike "January" and insert "August"; and in line 16 strike "~~1973~~ 1978" and insert "1977", and strike "~~five~~" and insert "~~six~~".

4. In the DeCamp amendments, page 2, line 16, strike "three" and insert "four".

5. In the DeCamp amendments, page 3, lines 3 and 8, insert ", as amended by section 2 and 3, respectively, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977" after "1976"; and in line 5, strike "7" and insert "8".

LEGISLATIVE BILL 509. Replaced on Select File as amended.
E & R amendments to LB 509:

1. Renumber the new section added by the F. Lewis amendment as section 11 and original section 10 as section 12.

2. In new section 10 added by the Nichol amendment insert a comma after "jurisdiction" in line 3; and in line 4 strike "law" and insert "act".

3. Strike E & R 9 and 10 adopted 5/18.

4. On page 16, line 16, and page 17, line 1, strike "subsection" and insert "subdivision".

5. On page 38, lines 22 and 25, strike "subsection" and insert "subdivision".

6. On page 37, line 16, strike the comma.

LEGISLATIVE BILL 530. Replaced on Select File as amended.
E & R amendment to LB 530:

1. In the Final Reading bill, renumber sections 31 to 33 as sections 30 to 32.

LEGISLATIVE BILL 532. Replaced on Select File as amended.
E & R amendments to LB 532:

1. In line 3 of the Warner amendment to page 51, after line 2, strike "23-362.02" and insert "section 23-362.03, Revised Statutes Supplement, 1976.".

2. In line 1 of the Warner amendment to page 58, line 12, strike " '278,500' " and insert "the period".

3. On page 78, line 17, strike the second comma.

4. On page 45, insert new subdivision (8) after the Warner amendment adopted 4/25.

5. On pages 21 and 22, renumber subdivisions (3) to (6) as (2) to (5).

6. In the Warner amendment to page 69, adopted 5/10, line 4, strike the comma and insert a colon.

7. In line 1 of the Warner amendment to the committee amendments, page 8, line 14, strike " 'completed' " and insert "the period".

8. In the third and fourth Dworak amendments adopted 5/10, strike "and show as stricken".

9. Insert the new section added by the Warner amendment adopted 5/10 as section 58 and in line 6 thereof strike "of the Department"; and renumber subsequent sections accordingly.

10. In the Warner amendment to the Schmit-DeCamp amendment, strike the comma in line 14; and in line 5 strike "1977 Legislative Session" and insert "Eighty-fifth Legislature, First Session, 1977".

11. Strike the Kelly amendments to page 1, line 9, and to page 4 as duplicative of the Warner amendments earlier adopted.

12. In line 3 of the Kelly amendment to the committee amendments, strike "said" and insert "such"; and strike the period at the end of the line.

13. In the last line of committee amendments 3 (a) and 3 (c), insert a period after "Fund".

14. Insert the Warner amendment to page 38, line 17 as a new paragraph after line 17.

15. On page 8, renumber subsections (11) to (14) as subsections (10) to (13).

16. In the Chambers amendment 2, adopted 5/16, page 1, line 12, strike "and/" and in lieu of the Chambers

amendment thereto, at the end of line 15 insert "A copy of this needs assessment shall be submitted to the Legislature."; and on page 2, line 7 strike the comma; and insert "also" at the end of the line.

17. In the Koch amendment found on page 1547 of the Journal, strike line 3 and insert " '1,053,677'.".

18. On page 56, strike line 1.

19. Pursuant to the Koch amendment, on page 33, line 7, strike "4,412,718" and insert "4,414,058"; in line 8 strike "7,868,426" and insert "7,873,422"; and in line 10 strike "12,417,042" and insert "12,423,378".

20. In the Warner amendment to page 45, new (8), line 1, insert "No." after "Program".

LEGISLATIVE BILL 533. Replaced on Select File as amended.
E & R amendments to LB 533:

1. Insert the Warner amendment to page 3, after line 5, ahead of the committee amendment.

2. Insert a dollar sign before the figures on pages 2 and 3 of the Warner amendments adopted 5/12.

3. In lieu of all previous amendments to page 26, lines 14 to 18, in line 14, strike "46,169,226" and insert "46,238,143"; in line 15 strike "15,513,123" and insert "15,613,021"; and in line 18, strike "72,041,923" and insert "72,210,738".

4. In lieu of all previous amendments to page 27, lines 9 and 10, in line 9 strike "13,683,761" and insert "13,877,676"; and in line 10, strike "12,319,538" and insert "12,482,896".

5. In committee amendment V, 1., strike beginning with "Legislative" in line 14 through the third comma in line 15 and insert "this act".

6. In committee amendment VIII, line 5, strike "or" and insert "of".

7. Renumber the new section found in committee amendment IX as section 23 and original section 23 as section 24.

8. In line 3 of the Warner amendment to page 21, after line 17, strike the period and insert a colon.

9. Insert the Savage amendment to page 18 after line 4 ahead of the committee amendment at the same place.

LEGISLATIVE BILL 537. Replaced on Select File as amended.
E & R amendment to LB 537:

1. In the Bereuter amendment, line 2, strike "LB 531" and insert "Legislative Bill 531, Eighty-fifth Legislature, First Session, 1977".

LEGISLATIVE BILL 539. Replaced on Select File as amended.
E & R amendments to LB 539:

1. Insert the unnumbered section added by the Warner amendment adopted 5/11 as section 12 and in lines 2, 5, and 7, insert "Nebraska" before "Educational".

2. Renumber original sections 12 and 13 as section 13 and 14, new section 14 as section 15, original sections 14 to 19 as sections 16 to 21, new section 20 as section 22, and original sections 20 to 27 as sections 23 to 30.

3. In new section 22, line 1, strike "Section 22." and insert "Sec. 22. Agency No. 79 --"; in line 2 insert a comma after "that"; and supply paragraphing to "It" in line 1.

4. In line 2 of the Warner amendment to page 19, line 13, insert a comma after "files".

5. On page 2, line 7 as amended, strike "26" and insert "28".

6. In line 1 of the second Koch amendment to page 25, line 20, strike "The" and insert "that the"; in line 7 insert a comma after "services"; and in the last line strike the period and insert a comma.

7. In line 1 of the new subsection added on page 25, insert "(1)" before "Program".

8. In renumbered section 25, renumber original subsections (1) to (4) as subsections (2) to (5).

9. On page 30, line 8 as amended, strike "26" and insert "28".

10. In new section 15, redesignate subdivisions (iii) and (iv) as (c) and (d).

11. On page 24, insert "State" at the end of line 7; and in line 13 strike "COG's" and insert "COGs".

12. In the Chambers amendment, page 1, line 12, strike "and/"; at the end of line 15 insert "A copy of this needs assessment shall be submitted to the Legislature."; and on page 2, line 5, strike the comma and insert "also" at the end of the line.

13. Insert the Simon amendment to page 4, line 22, after the committee amendment thereto.

14. In the Warner amendment to page 18, adopted 5/17, line 3, strike "LB 905 of 1976" and insert "Legislative Bill 905, Eighty-fourth Legislature, Second Session, 1976,".

15. On page 14, line 12, strike "rebate" and insert "rebates".

LEGISLATIVE BILL 540. Replaced on Select File as amended.
E & R amendment to LB 540:

1. On page 3, line 8, strike "1247.13" and insert "79-1247.13".

LEGISLATIVE BILL 543. Replaced on Select File as amended.
E & R amendments to LB 543:

1. On page 2, line 7 as amended, strike "7" and insert "10".

2. In the first Warner amendment adopted 5/10, strike "65,000" and insert "65,600" to conform to LB 533.

3. Renumber new section 7 added by the Labedz amendment as section 8, section 8 added by the Warner amendments adopted 5/10 as section 9, and original sections 7 to 9 as sections 10 to 12.

4. Insert a dollar sign before the figure in the first three Warner amendments adopted 5/10.

5. On page 5, line 18, insert "(1)" before "Program".

6. In the last line of renumbered section 9, strike "Legislature" and insert "Legislative Council".

7. In the second Warner amendment to page 5, strike "line 15" and insert "the first Warner amendment thereto" in line 1.

8. On page 9, line 20 as amended, strike "8" and insert "10".

9. In the third Warner amendment, line 3, strike the period.

10. In the fourth Warner amendment, line 3, insert "No." before "731"; and in line 4 strike the period.

11. In the Warner amendments, page 2, last line, strike the period and insert a colon.

LEGISLATIVE BILL 546. Replaced on Select File as amended.
E & R amendment to LB 546:

1. Insert the Warner amendment to the Bereuter amendment after "system" in line 7 and in line 1 of the inserted matter strike "Except" and insert ", except".

LEGISLATIVE BILL 548. Replaced on Select File as amended.
E & R amendment to LB 548:

1. On page 4, lines 11 and 12, strike "commodities and" and show stricken; and in line 22, insert an underscored comma after "27".

LEGISLATIVE BILL 549. Replaced on Select File as amended.
E & R amendments to LB 549:

1. In the last line of new section 6, strike "in" and insert "required by".

2. In the Warner amendment to page 22, adopted 5/17, strike "Legislature" and insert "Legislative Council".

3. Renumber the section added by the Bereuter amendment as section 62 and original section 61 as section 63.

4. In renumbered section 62, line 13, insert a period after "plans".

5. In the Kelly amendment adopted 5/18, line 2, strike the second comma; and in line 3 insert "state" after "four".

6. On page 3, line 6, insert "state" after the first "the".

7. On page 21, line 14, insert "state" after "The".

Correctly Re-Engrossed

The following bills were correctly re-engrossed: 4, 273, and 531.

(Signed) Samuel K. Cullan, Chairman

COMMUNICATION

Acknowledged receipt of Resolution 93 from the Guam Legislature regarding equal rights.
(On file in the Clerk's office.)

APPRECIATION

May 23, 1977

Thanks to everyone for the many nice cards, letters and messages you sent me during my recent hospital stay. Also, Mrs. Wilson and myself want to thank you for the many anniversary cards. We celebrated our 60th anniversary during my hospital stay.

I have enjoyed the 11 or 13 years serving as your Sergeant at Arms and I certainly thank all of your for your hospitality. Again, my many thanks.

(Signed) Ray Wilson

MOTION—Suspend Rules

Mr. Hasebroock moved to suspend the rules, Rule 6, Sec. 6 (b), to consider LB 34 and LB 542 set for Final Reading for May 24, 1977.

The motion prevailed with 31 ayes, 3 nays, and 15 not voting.

UNANIMOUS CONSENT–Member Excused

Mr. Kelly asked unanimous consent to be excused for the remainder of the session. No objections. So ordered.

MOTION–Return LB 346 to Select File

Mr. Chambers moved to return LB 346 to Select File for the following specific amendment:

Page 2, Line 7: After "method", strike the period and add: "approved by the county board."

The motion prevailed with 29 ayes, 0 nays, 14 present and not voting, 2 absent and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 346. The Chambers specific amendment found in this day's Journal was adopted with 31 ayes, 0 nays, 12 present and not voting, 2 absent and not voting, and 4 excused and not voting.

Advanced to E & R for Re-Engrossment.

MOTION–Return LB 346 to Select File

Mr. Chambers moved to return LB 346 to Select File for the following specific amendment:

Page 2, Line 7: After "employees", strike "participating" Add: "who choose to participate."

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 Chambers motion to return lost with 20 ayes, 15 nays, 9 present and not voting, 2 absent and not voting, and 3 excused and not voting.

MOTION–Return LB 346 to Select File

Mr. Chambers moved to return LB 346 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 28 ayes, 7 nays, and 14 not voting.

The Chambers motion to return LB 346 lost with 13 ayes, 21 nays, 11 present and not voting, 1 absent and not voting, and 3 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 542.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 199, Eighty-fifth Legislature, First Session, 1977.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marsh	Maxey	Mills	Moylan
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Swigart	Venditte	

Voting in the negative, 5:

Dworak	Marvel	Murphy	Stoney	Warner

Present and not voting, 2:

Duis	Merz

Excused and not voting, 3:

Kelly	Kremer	Newell

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

SELECT FILE

LEGISLATIVE BILL 52. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 509. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 530. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 532. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 533. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 537. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 539. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 543. E & R amendments found in this day's Journal were adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 546. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 548. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 549. 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: 530 and 537.

Correctly Engrossed

The following bills were correctly engrossed: 52, 509, 532, 533, 539, 540, 543, 546, 548, and 549.

(Signed) Samuel K. Cullan, Chairman

ANNOUNCEMENT

Mr. Newell announced his wife gave birth to a son yesterday.

MOTION—Override Veto on LB 33

Mr. Koch moved to override the Governor's veto on LB 33.

Mrs. Marsh moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 15 nays, and 9 not voting.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Carsten	Cope
Cullan	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	F. Lewis	Luedtke	Marsh
Maxey	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Warner

Voting in the negative, 16:

Brennan	Burrows	Chambers	Clark	Dworak
Labedz	Lamb	R. Lewis	Maresh	Marvel
Merz	Mills	Moylan	Murphy	Stoney
Swigart				

Present and not voting, 1:

Venditte

Excused and not voting, 2:

Kelly Kremer

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Return LB 550 to Select File

Mr. Duis moved to return LB 550 to Select File for the following specific amendment:

In the Committee Amendment on page 2, after line 21, strike 194,121 and insert 219,121 and strike 174,127 and insert 199,127

The motion prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 550. The Duis specific amendment found in this day's Journal was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to E & R for Engrossment.

LEGISLATIVE BILL 540A. Advanced to E & R for Engrossment.

MOTION—Return LB 549 to Select File

Mr. Schmit moved to return LB 549 to Select File for the following specific amendment:

Add the following new Section 25 and renumber the original Sections 25 to 61 accordingly.

Section 25. Program 969. The Game and Parks Commission is hereby authorized to make general improvements at State Recreation Areas. There is hereby appropriated $75,000 from the State Building Fund for the fiscal year ending June 30, 1978, for such improvements.

On or before June 30, 1978, the Game and Parks Commission shall transfer $75,000 from the State Park Cash Revolving Fund to the General Fund.

MR. MARVEL PRESIDING

The motion lost with 14 ayes, 13 nays, 20 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 114.

Introduced by Bereuter, 24th District.

WHEREAS, the Telecommunications Committee of the Eighty-Fourth Legislature performed an interim study of rural telephone service; and

WHEREAS, the Telecommunications Committee held public hearings across the State to assess rural telephone service; and

WHEREAS, telephone service problems were evident in several different rural locations; and

WHEREAS, it is deplorable that these conditions in rural Nebraska are allowed to persist; and

WHEREAS, the need to effectively and efficiently communicate by telephone is basic and of paramount importance to all citizens of the state,

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

1. That the Telecommunications Committee continue and expand its study of rural telephone service;

2. That the committee is instructed to study the following subjects relative to rural telephone service:

(a) identify the unique problems and characteristics of rural telephone systems which inhibit the provision of quality service;

(b) propose alternative solutions to the problems identified;

(c) develop and analyze information on the size of telephone exchanges in rural areas and the effect of such geographic and population size upon service; and

(d) gather whatever additional information is necessary in making an assessment of the situation.

3. That the committee report its findings, together with recommendations, to the next regular session of the Legislature including suggested legislation. It shall also convey to the Public Service Commission any recommended actions to be taken by the Public Service Commission.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 115.

Introduced by Chambers, 11th District.

WHEREAS, all citizens in their everyday involvement with business, schools, apartment complexes and travel encounter private security personnel; and

WHEREAS, in certain areas, the number of private security personnel equals or exceeds the number of police and other trained law enforcement personnel; and

WHEREAS, some private security personnel are armed; and

WHEREAS, very few, if any, security personnel are adequately trained; and

WHEREAS, only limited study has been conducted of the private security industry.

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

1. That the Legislature conduct an intensive study of all aspects of the private security industry.

2. That such study include but not be limited to the following:

(a) An evaluation of existing controls, regulations, and licensure, if any, in the state;

(b) Determination of the role of private security personnel in law enforcement;

(c) The interrelation between public law enforcement agencies and the private security industry;

(d) Analysis of potential problems which may be created by untrained personnel carrying firearms;

(e) Development of standards for and methods of improving the quality of private security services; and

(f) Establishment of a comprehensive regulatory process for the private security industry.

3. That the study consider the burglar alarm industry and the industry producing other security and crime preventive devices.

4. That the results of the study be reported to the next regular session of the Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT—Member Excused

Mrs. Marsh asked unanimous consent to be excused. No objections. So ordered.

MOTION—Return LB 549 to Select File

Mr. Nichol moved to return LB 549 to Select File for the following specific amendment:

To strike Sec 43 of L.B. 549 and renumber the following sections accordingly.

Mr. Nichol moved for a Call of the House. The motion prevailed with 11 ayes, 4 nays, and 34 not voting.

Mr. Nichol moved the Call be raised. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The motion to return LB 549 lost with 11 ayes, 8 nays, 17 present and not voting, and 3 excused and not voting.

UNANIMOUS CONSENT—Unbracket LB 220A

Mr. Dworak asked unanimous consent to unbracket LB 220A on E & R Final. No objections. So ordered.

UNANIMOUS CONSENT—Members Excused

Mrs. Labedz and Mr. Cullan asked unanimous consent to be excused. No objections. So ordered.

Mr. Kahle asked unanimous consent to be excused for the rest of Monday, May 23, 1977, also Tuesday and Wednesday, May 24th and 25th, 1977. No objections. So ordered.

MOTION—Suspend Rules

Mr. Dworak moved to suspend all rules to return LB 220A to Select File for the specific amendment found in the Journal on page 760, Req.2560, previously to LB 177, and strike the contents of LB 220A.

Mr. Dworak moved for a Call of the House. The motion prevailed with 15 ayes, 6 nays, and 28 not voting.

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

Voting in the affirmative, 34:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	DeCamp	Dworak	Fitzgerald	Fowler
Hefner	Keyes	Koch	Lamb	F. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rasmussen	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 7:

Carsten	Clark	Cope	Goodrich	Hasebroock
R. Lewis	Reutzel			

Present and not voting, 2:

Duis	George

Excused and not voting, 6:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh				

The motion prevailed with 34 ayes, 7 nays, 2 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 220A. The Dworak specific amendment found in this day's Journal was adopted with 26 ayes, 3 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Return LB 220A to Select File

Mr. Dworak moved to return LB 220A to Select File for the following specific amendment:

Amend the title by striking the original title and insert the following:
A BILL FOR AN ACT relating to employment; to provide that employers shall regularly pay wages to employees; to provide remedies for nonpayment; and to provide exceptions.

The motion prevailed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 220A. The Dworak specific amendment found in this day's Journal was adopted with 27 ayes, 1 nay, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for Engrossment.

COMMUNICATION ON LB 33

May 23, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 33 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 33 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 33 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, 1977.

(Signed) Roland Luedtke, Presiding Officer
Speaker of the Legislature

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 550. Replaced on Select File as amended.
E & R amendments to LB 550:

1. In lieu of the Duis amendment, on page 2, lines 20 and 21 as amended, strike "356,598" and insert "381,598".

2. Pursuant to the Duis amendment, on page 3, lines 9 and 10, strike "3,399,832" and insert "3,424,832".

3. In the Warner amendment 2, adopted 5/13, lines 11, 16, and 19, insert "funding" before "shall".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 550. 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 bill was correctly re-engrossed: 346.

Correctly Engrossed

The following bills were correctly engrossed: 540A and 550.

(Signed) Samuel K. Cullan, Chairman

SPEAKER LUEDTKE PRESIDING

MOTION–Return LB 532 to Select File

Mr. Koch moved to return LB 532 to Select File for the following specific amendment:

AMENDMENT TO LB 532 FINAL READING COPY

1. On page 80, line 5 strike "$45,000,000" and insert "$55,000,000"; strike beginning with the comma in line 8 through "1976" in line 10 and insert ". In addition to the amounts appropriated from the fund under this section, there is hereby appropriated to the State Department of Education, Agency No. 13 for Program 143, from the School Foundation and Equalization Fund all funds allocated to such fund pursuant to subsection (4) of section 7 of Legislative Bill 33, Eighty-fifth Legislature, First Session, 1977".

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 12 ayes, 13 nays, and 24 not voting.

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 18 ayes, 10 nays, and 21 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 19 ayes, 3 nays, and 27 not voting.

The motion to close debate prevailed with 25 ayes, 12 nays, and 12 not voting.

Mr. Chambers moved to recess until 1:30 p.m.

Mr. F. Lewis requested a machine vote.

The motion lost with 19 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

The Koch motion to return LB 532 to Select File prevailed with 25 ayes, 12 nays, 6 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. The Koch specific amendment found in this day's Journal was adopted with 25 ayes, 14 nays, 4 present and not voting, and 6 excused and not voting.

Mr. Maresh requested a machine vote to advance LB 532.

Mr. Simon 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. Chambers moved for a Call of the House. The motion prevailed with 22 ayes, 7 nays, and 20 not voting.

Mr. Chambers requested a roll call vote.

Voting in the affirmative, 26:

Barnett	Bereuter	Boughn	Carsten	Cope
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Keyes	Koch	F. Lewis
Luedtke	Maxey	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Warner				

Voting in the negative, 12:

Burrows	Chambers	Clark	Dworak	Lamb
Maresh	Marvel	Mills	Moylan	Murphy
Stoney	Swigart			

Present and not voting, 5:

Brennan	DeCamp	R. Lewis	Merz	Venditte

Excused and not voting, 6:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh				

Advanced to E & R for Engrossment with 26 ayes, 12 nays, 5 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 542.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: 542.

MESSAGE FROM THE SECRETARY OF STATE

May 23, 1977

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

RE: LB 33, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on May 23, 1977 at 11:07 A.M., LB 33. Along with LB 33, I hereby acknowledge receipt of

your cover letter, signed certificate by Roland Luedtke, Presiding Officer and Speaker of the Legislature the contents of which are as follows: "Legislative Bill 33 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, 1977."

Further, I hereby acknowledge that LB 33, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) Ralph Englert
Deputy, Secretary of State

VISITORS

The President introduced the Junior Girl Scouts and leader from Milligan, Nebraska.

RECESS

At 12:08 p.m., on a motion by Mr. Barnett, 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. Cullan, Kahle, Kelly, Kremer, Mesdames. Labedz, and Marsh who were excused; and Messrs. Brennan, F. Lewis, and Simon who were excused until they arrive.

MOTION—Return LB 532 to Select File

Mr. DeCamp moved to return LB 532 to Select File for the following specific amendment:

Amendment to DeCamp-Schmit Amendment to LB 532

To the DeCamp-Schmit specific amendment to LB 532 as printed on page 2126 of the Journal:
In line 4 of the amendment, after ".....sign removal.",
strike the period and add ".....to comply with highway
beautification provisions in accordance with Title 23,
United States Code 131 as amended."

The motion prevailed with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 532. The DeCamp specific amendment found in this day's Journal was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for Engrossment.

MOTION—Change Speaker's Order

Mr. Maresh moved to change the Speaker's Order to consider LB 431 on General File today.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion lost with 23 ayes, 4 nays, and 22 not voting.

The Maresh motion prevailed with 25 ayes, 6 nays, 10 present and not voting, and 8 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 431. Title read. Considered.

Mr. Maresh asked unanimous consent to add his name to LB 431.

Mr. Newell objected.

Mr. Maresh moved to add his name to LB 431.

The motion prevailed with 26 ayes, 1 nay, 14 present and not voting, and 8 excused and not voting.

Mr. Maresh offered the following amendment:

AMENDMENTS TO LB 431

1. Strike the original sections and insert:

"Section 1. That section 2, Legislative Bill 30, Eighty-fifth Legislature, First Session, 1977, be amended to read as follows:

"Sec. 2. This act shall become operative for all taxable years commencing on or after January 1, 1977.

Sec. 2. That original section 2, Legislative Bill 30, Eighty-fifth Legislature, First Session, 1977, is repealed.".

2. In the title strike lines 2 to 6 and insert:
"FOR AN ACT to amend section 2, Legislative Bill 30,
Eighty-fifth Legislature, First Session,
1977, relating to taxation; to change
the operative date; and to repeal the ori-
ginal section.".

The Chair ruled the amendment out of order and not germane.

Mr. Maresh moved to suspend the rules, Rule 7, Sec. 6(d), to consider the amendment.

Mr. Bereuter moved the previous question. The motion lacked 5 seconds.

Messrs. Marvel, Mills, Nichol, and Fowler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maresh moved for a Call of the House. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Newell moved the Call be raised. The motion prevailed with 20 ayes, 4 nays, and 25 not voting.

The Maresh motion to suspend the rules prevailed with 30 ayes, 1 nay, 10 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment to the Maresh amendment:
Add a new section
Cause food tax credit to be $24.00

The Chair ruled the amendment out of order.

Mr. Newell offered the following amendment to the Maresh amendment:
Amend the Maresh Amendment to provide for the Elimination of the Sales tax Jan. 1, 1978.

The Chair ruled the amendment out of order.

Mr. Newell offered the following amendment to the Maresh amendment:
Amend the Maresh Amendment to provide for the Elimination of the Sales tax on Food on Jan. 1, 1979.

The Chair ruled the amendment out of order.

The Maresh amendment was adopted with 27 ayes, 1 nay, 9 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
Strike the Maresh amendment-
Insert language of LB 30 but change the rate from $20 to $24.

The amendment lost with 9 ayes, 16 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Newell offered the following amendment:
Strike the Maresh Amendment to provide for the Elimination of the Sales tax Jan. 1, 1978.

The amendment lost with 9 ayes, 15 nays, 14 present and not voting, and 11 excused and not voting.

Mr. Chambers moved to indefinitely postpone.

The motion lost with 3 ayes, 21 nays, 13 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
To strike the Maresh Amendment and insert the provisions of LB 436

The Chair ruled the amendment out of order and not germane.

Mr. Chambers moved to suspend the rules, Rule 7, Sec. 3d, to consider the amendment.

The motion lost with 3 ayes, 15 nays, 19 present and not voting, and 12 excused and not voting.

Mr. Swigart moved to suspend the rules to vote on the advancement of LB 431.

Mr. George asked unanimous consent to be excused. No objections. So ordered.

Mr. Swigart moved for a Call of the House. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Mr. Swigart requested a roll call vote on his motion to suspend the rules.

Voting in the affirmative, 20:

Boughn	Carsten	Cope	Goodrich	Hasebroock
Hefner	Keyes	Lamb	R. Lewis	Maresh

Merz	Moylan	Murphy	Nichol	Rasmussen
Rumery	Savage	Stoney	Swigart	Warner

Voting in the negative, 15:

Brennan	Burrows	Chambers	Clark	DeCamp
Dworak	Fowler	Koch	Marvel	Maxey
Mills	Newell	Reutzel	Schmit	Venditte

Present and not voting, 5:

Barnett	Bereuter	Duis	Fitzgerald	Luedtke

Excused and not voting, 9:

Cullan	George	Kahle	Kelly	Kremer
Labedz	F. Lewis	Marsh	Simon	

The motion to suspend the rules lost with 20 ayes, 15 nays, 5 present and not voting, and 9 excused and not voting.

Mr. Swigart moved the Call be raised. The motion prevailed with 17 ayes, 3 nays, and 29 not voting.

Advanced to E & R for Review with 25 ayes, 8 nays, 7 present and not voting, and 9 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 23, 1977, at 1:40 p.m., was the following bill: 542.

(Signed) Barbara Jackson, Enrolling Clerk

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 220A. Replaced on Select File as amended.
E & R amendment to LB 220A:
1. In the amendments, page 2, line 11, strike "period" and insert "day".

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 220A. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Engrossment.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 220A.

(Signed) Samuel K. Cullan, Chairman

RESOLUTIONS

LEGISLATIVE RESOLUTION 116.

Introduced by Goodrich, 20th District.

WHEREAS, the administration of the current welfare program has come under criticism at all levels of government; and

WHEREAS, the State and the Federal Government finance the administration of the welfare program; and

WHEREAS, the county administers the welfare program under the supervision of the State Department of Public Welfare; and

WHEREAS, there have been allegations of inequitable treatment of welfare recipients living in separate counties.

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

1. That a committee be appointed to study the current administration of the welfare program.

2. That the committee consider the advantages and disadvantages of county administration versus state administration of the program.

3. That the committee report its findings to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 117.

Introduced by Goodrich, 20th District.

WHEREAS, the State of Nebraska employs approximately 25,000 State employees, and

WHEREAS, the Legislature of the State of Nebraska has determined that these employees should be covered by a Pay and Classification Plan, and

WHEREAS, the State of Nebraska Pay and Classification Plan has been changed many times since its implementation, and

WHEREAS, both the representatives of the employee groups and the administration of the State of Nebraska agree the Pay and Classification Plan needs to be changed and upgraded, and

WHEREAS, many different proposals have been forwarded to the Appropriations Committee to change the Pay and Classification Plan and because of their complexities very little time has been available to study the various proposals.

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

(1) That the Appropriations Committee shall undertake an interim study of the current Pay and Classification Plan.

(2) The Appropriations Committee shall request that representatives of the various labor organizations of the State of Nebraska, the representatives of the State Department of Personnel, the representatives of the State Merit System, the representatives of the University of Nebraska, and the representatives of the Nebraska State Colleges present any proposal they may have prior to the hearing for review by the committee members and fiscal staff.

(3) 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.

LEGISLATIVE RESOLUTION 118.

Introduced by Government, Military & Veterans Affairs Committee: Rasmussen, 41st District, Chairman; Chambers, 11th District; Duis, 39th District; George, 16th District; Maxey, 46th District; Nichol, 48th District; Stoney, 4th District.

WHEREAS, the Military Department of the State of Nebraska has an important role in the service of the citizens of our State in emergency situations and in the service of our Country if the situation should warrant; and

WHEREAS, there exists a continued serious decline in the personnel strength of many National Guard units that could result in the elimination of such units and the possible subsequent loss of armory facilities; and

WHEREAS, the Legislature of Nebraska desires to assist the Military Department in solving National Guard problems and feels a responsibility

to engage in a complete and comprehensive study to define such problem areas and work toward the appropriate resolution of such problems; and

WHEREAS, the Legislature of Nebraska desires to work with the Military Department in formulating any appropriate changes to existing statutes that would enhance the quality of the Nebraska National Guard.

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

1. That the Government, Military and Veteran's Affairs Committee during the forthcoming interim, conduct a study to determine ways that the Legislature of Nebraska can provide assistance to the Military Department of Nebraska, and

2. That such study include a review of Section 55 of the statutes of Nebraska and appropriate changes thereto.

3. That such study call upon the Military Department to work with the Government, Military & Veteran's Affairs Committee, and that the committee, after holding public hearings, shall report its findings together with any recommended changes in state law to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION—Return LB 549 to Select File

Mr. Rasmussen moved to return LB 549 to Select File for the following specific amendment:

Strike Section 43.

Mr. Goodrich moved the previous question. The question is, "Shall the debate now close?" The motion lost with 19 ayes, 5 nays, and 25 not voting.

Mr. Keyes 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 Rasmussen motion to return LB 549 to Select File lost with 4 ayes, 21 nays, 17 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 532. Replaced on Select File as amended.
E & R amendment to LB 532:

1. In the Koch amendment, line 4, insert "otherwise" after "amounts".

LEGISLATIVE BILL 431. Placed on Select File.

(Signed) Samuel K. Cullan, Chairman

SELECT FILE

LEGISLATIVE BILL 532. E & R amendment found in this day's Journal was adopted.

Advanced to E & R for Re-Engrossment.

LEGISLATIVE BILL 431. Mr. Chambers moved to strike the enacting clause.

Laid over.

Speaker Luedtke moved to suspend the rules, Rule 7, Sec. 3a to consider the Chambers motion today.

Speaker Luedtke moved for a Call of the House. The motion prevailed with 14 ayes, 4 nays, and 31 not voting.

Speaker Luedtke requested a roll call vote:

Voting in the affirmative, 26:

Barnett	Bereuter	Boughn	Carsten	Duis
Goodrich	Hasebroock	Hefner	Keyes	Lamb
R. Lewis	Luedtke	Maresh	Marvel	Merz
Mills	Moylan	Nichol	Rasmussen	Rumery
Savage	Schmit	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 14:

Brennan	Burrows	Chambers	Clark	Cope
Dworak	Fitzgerald	Fowler	Koch	F. Lewis
Maxey	Murphy	Reutzel	Simon	

Present and not voting, 2:

DeCamp	Newell

Excused and not voting, 7:

Cullan	George	Kahle	Kelly	Kremer
Labedz	Marsh			

The Luedtke motion lost with 26 ayes, 14 nays, 2 present and not voting, and 7 excused and not voting.

Chambers motion pending.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 17 ayes, 1 nay, and 31 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Re-Engrossed

The following bill was correctly re-engrossed: LB 532.

(Signed) Samuel K. Cullan, Chairman

ATTORNEY GENERAL OPINION

Opinion No. 100
May 20, 1977

Dear Senator Warner:

In your letter of May 20, 1977, you ask whether LB 131, as it stands on final reading, is constitutionally suspect because it contains two subject matters. We conclude that the bill could probably be sustained against constitutional attack on that ground.

The title to the bill provides that it is a bill:

> "FOR AN ACT relating to taxation; to require reappraisal of all land and improvements as prescribed; to provide penalties for noncompliance; to limit budget increases except as prescribed; to provide severability; and to declare an emergency."

Sections 1 to 6 of the bill contain provisions relating to the revaluation of lands and improvements in all counties of the state, and provide penalties for noncompliance. Sections 7 and 8 limit the amount by which the various political subdivisions levying taxes shall adjust their budgets in any one year, and provide for public hearings in the event the governing body of such a subdivision deems it necessary to exceed the limits prescribed. While limitations on budgets of political subdivisions is not a subject dealing directly with taxes, the size of such budgets does, of course, directly affect the mill levies necessary to raise the budgets in question, and is, we believe, properly included in legislation dealing with taxation.

Assuming that both parts of this bill deal with taxation, are they so unrelated as to constitute more than one subject matter, in violation of Article III, Section 14, of the Nebraska Constitution? This section provides in part:

> " . . . No bill shall contain more than one subject, and the same shall be clearly expressed in the title. . . ."

Our court has, from time to time, held that matters in bills have not been covered by the title, but only very rarely, and not for many years, has our court held a bill invalid because it contained more than one subject, if all of the matters contained in the bill were covered in the title. Our court has given a very liberal construction to the provision, holding that the title need only call attention to the subject matter, and need not be a synopsis of the bill. In Beisner v. Cochran, 138 Neb. 445, 293 N.W. 289 (1940), in a syllabus by the court, we find:

> "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 section 14, art. III of the Constitution, providing that no bill shall contain more than one subject and the same shall be clearly expressed in the title."

The title to the bill in question states that it deals with taxation. Very broadly, all of the provisions of LB 131 deal with taxation, and are covered by this blanket. Under these circumstances, we do not believe that our court would strike down this bill on that basis.

We must also call your attention to State ex rel. Meyer v. Peters, 188 Neb. 817, 199 N.W.2d 738 (1972). In that case this office attacked a bill on the basis, among others, that it contained more than one subject. The court had this to say with respect to our attack:

> "The Attorney General attacks the constitutionality of the act because it contains more than one subject contrary to the provisions of Article III, section 14, Constitution of Nebraska. The act contains a severability clause. It appears to us that sections 1, 2, and 3, and sections 4 to 11 are not interdependent and none are the inducement of the passage of the other. We reject the constitutional attack based on Article III, section 14."

While we have never been able to understand the reasoning of the court in this respect, it appears to have said that a severability clause will insulate a bill from attack on grounds that it contains more than one subject. If that is the law, it appears to be applicable to LB 131, which also contains a severability clause. We therefore feel that, on the basis of the approach our Supreme Court has taken to this constitutional provision in the past, it would probably hold that this bill does not violate this constitutional provision.

You have written a second letter to us, asking whether we would defend this bill in court, in the event we concluded that it was

constitutionally suspect. In view of the fact that we have not reached that conclusion, it will not be necessary to consider the question you ask in your second letter.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Ralph H. Gillan
Assistant Attorney General

RHG:cjb
cc: Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Return LB 52A to General File

Mr. DeCamp moved to return LB 52A to General File for the following specific amendment:

Strike the enacting clause.

The motion prevailed with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 52A. The DeCamp specific amendment found in this day's Journal was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LB 52A stands indefinitely postponed.

VISITORS

The President introduced Mr. & Mrs. Dave Lamb, son and daughter-in-law of Senator Lamb, from Anselmo, Nebraska.

ADJOURNMENT

At 4:02 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Tuesday, May 24, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-EIGHTH DAY–MAY 24, 1977

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 24, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by Dr. Alva H. Clark, Pastor of the St. Paul United Methodist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mesdames. Labedz and Marsh, Messrs. Cullan, Kremer, Kahle, and Kelly who were excused; Messrs. Schmit, Venditte, and Warner who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2148, line 36, delete "34" and insert "346".
The Journal for the Eighty-Seventh Day was approved as corrected.

ANNOUNCEMENT

The President announced today is the 47th anniversary of John and Marie Savage and the 35th anniversary of Richard and Ruth Maresh. Also, today Mrs. Margaret Hasebroock will be honored as Nebraska Mother of the Year.

MESSAGE FROM THE GOVERNOR

May 23, 1977

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

Dear Mr. President and Senators:

I hereby return Legislative Bills Nos. 38, 38A, 39, 40, and 41 without my signature and with my objections. While I appreciate the time and effort spent by the Judiciary Committee and other Senators on these bills, I am nevertheless greatly concerned about the effect of the passage of the Criminal Code on this state's law enforcement system as presented to me.

The many comprehensive changes and revisions in the language of the criminal law made in LB 38 have not been adequately reviewed by this state's legal community. Even the supporters of LB 38 concede that changes should be made before the measure becomes operative on July 1, 1978. LB 38 itself provides for a review committee to study the Criminal Code and recommend the necessary changes needed to correct the defects in these bills.

In my opinion, this review should take place before the bills are enacted into law. This could easily be done by distributing the Final Reading form of the bills for discussion and study by the judges, prosecutors, defense attorneys, and others throughout the state for enactment next session before the scheduled effective date of July 1, 1978.

Without this review and general consensus of Nebraska's legal and lay community, I don't feel these bills should become law. To do so would be to concede that we are passing into law a most important new criminal code that we agree beforehand needs substantive changes. It is better to be cautious now rather than sorry later.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

REPORT OF EMPLOYEES

May 23, 1977

During the month of April, 1977, there were 167 full and part-time Session employees being paid from Fund 1025, Program 121, Legislative Session Services. They were paid a total of $93,895.21, of which $208.70 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.

Vincent D. Brown
Clerk of the Legislature

MOTION—Suspend Rules

Mr. Luedtke moved to suspend the rules, Rule 6, Sec. 6(b) to take up the final reading bills set for May 25, 1977 at this time.

The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 46. With Emergency.

A BILL FOR AN ACT relating to acts of the Legislature; to provide for actions to determine the validity of acts held unconstitutional by the Attorney General; to provide for actions to force implementation of acts; 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	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Dworak	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	R. Lewis	Maresh	Marvel	Maxey
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Stoney	Swigart		

Voting in the negative, 9:

Barnett	Chambers	DeCamp	Duis	Fowler
Luedtke	Merz	Mills	Rumery	

Present and not voting, 3:

F. Lewis	Savage	Simon

Excused and not voting, 9:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Schmit	Venditte	Warner	

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:

Bereuter	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Fitzgerald	George	Goodrich
Hasebroock	Hefner	Keyes	Koch	Lamb
R. Lewis	Maresh	Marvel	Maxey	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Stoney	Swigart			

Voting in the negative, 9:

Barnett	Chambers	DeCamp	Duis	Fowler
Luedtke	Merz	Mills	Rumery	

Present and not voting, 4:

Dworak	F. Lewis	Savage	Simon

Excused and not voting, 9:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Schmit	Venditte	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 131. With Emergency.

A BILL FOR AN ACT relating to taxation; to require reappraisal of all land and improvements as prescribed; to provide penalties for noncompliance; to limit budget increases except as prescribed; 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, 28:

Bereuter	Boughn	Burrows	Carsten	Clark
Cope	DeCamp	Duis	Dworak	George
Goodrich	Hasebroock	Hefner	Keyes	Lamb
R. Lewis	Maresh	Marvel	Mills	Murphy
Nichol	Rasmussen	Reutzel	Rumery	Savage
Simon	Stoney	Swigart		

Voting in the negative, 10:

Barnett	Brennan	Chambers	Fitzgerald	Fowler
F. Lewis	Luedtke	Maxey	Moylan	Newell

Present and not voting, 2:

Koch	Merz

Excused and not voting, 9:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Schmit	Venditte	Warner	

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	Boughn	Burrows	Carsten	Clark
Cope	DeCamp	Duis	Dworak	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	R. Lewis	Maresh	Marvel	Mills
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Simon	Stoney	Swigart

Voting in the negative, 7:

Barnett	Chambers	Fowler	F. Lewis	Luedtke
Maxey	Moylan			

Present and not voting, 3:

Brennan	Fitzgerald	Merz

Excused and not voting, 9:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Schmit	Venditte	Warner	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

LEGISLATIVE BILL 204. With Emergency.

A BILL FOR AN ACT relating to alcoholism; to provide for alcoholism facilities, programs, and services as prescribed; to amend section 83-1009, Revised Statutes Supplement, 1976; to define and redefine terms; to provide severability; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 0.

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	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 204A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 204, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fowler	George	Goodrich
Hasebroock	Hefner	Keyes	Koch	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marvel
Maxey	Merz	Mills	Moylan	Murphy
Newell	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart

Voting in the negative, 0.

Present and not voting, 1:

Fitzgerald

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	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 309. With Emergency.

A BILL FOR AN ACT relating to building maintenance; to adopt the Deferred Building Renewal Act; to provide for expiration; to amend sections 85-106 and 85-304, Revised Statutes Supplement, 1976; to provide duties; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan

Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 0.

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	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 309A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 309, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 0.

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	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 518. Mr. Newell moved to return LB 518 to Select File for the following specific amendment:

Strike the enacting clause.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 10 nays, and 13 not voting.

The motion to return LB 518 to Select File lost with 12 ayes, 26 nays, 3 present and not voting, and 8 excused and not voting.

A BILL FOR AN ACT to amend section 77-202.30, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 514, Eighty-fifth Legislature, First Session, 1977, section 77-2704, Revised Statutes Supplement, 1976, as amended by section 1, Legislative Bill 357, Eighty-fifth Legislature, First Session, 1977, relating to taxation; to provide for exemption from taxation of certain classes of personal property; to provide a maximum amount to be placed in the Personal Property Tax Relief Fund; to provide for reimbursement to taxing agencies; to provide a sales tax exemption; to provide for construction; to provide severability; to provide operative dates; 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:

Bereuter	Boughn	Carsten	Clark	Cope
DeCamp	Duis	Dworak	George	Hasebroock
Hefner	Keyes	Koch	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Merz
Mills	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart

Voting in the negative, 10:

Barnett	Brennan	Burrows	Chambers	Fitzgerald
Fowler	Goodrich	Maxey	Moylan	Newell

Present and not voting, 1:

Murphy

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	Warner		

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

LEGISLATIVE BILL 545. With Emergency.

A BILL FOR AN ACT to amend section 44-1620.01, Revised Statutes Supplement, 1976, relating to group insurance; to increase funds that may be expended to pay health insurance plans; to provide duties of the Director and Department of Administrative Services 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, 41:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 0.

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	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 547. With Emergency.

A BILL FOR AN ACT to make appropriation to the Department of Administrative Services; to reappropriate an unexpended balance; 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	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Koch	Lamb	F. Lewis	R. Lewis
Maresh	Marvel	Maxey	Merz	Mills
Moylan	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart				

Voting in the negative, 2:

Bereuter	George

Present and not voting, 3:

Keyes	Luedtke	Murphy

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	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.

MOTION—Suspend Rules

Mr. DeCamp moved to suspend the rules, Rule 5, Sec. 6(h) to read LB 220 today on Final Reading without consideration of LB 220A.

The motion prevailed with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 220. With Emergency.

A BILL FOR AN ACT to amend section 53-160, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 254, Eighty-fifth Legislature, First Session, 1977, relating to alcoholic liquors; to increase the tax on liquors; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
Lamb	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Maxey	Merz	Mills	Moylan
Murphy	Nichol	Rasmussen	Reutzel	Rumery
Savage	Schmit	Simon	Stoney	Swigart

Voting in the negative, 0.

Present and not voting, 1:

Newell

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Venditte	Warner		

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

ATTORNEY GENERAL'S OPINION

Opinion No. 101
May 23, 1977

Dear Senator Warner:

You have requested our opinion on the status of an appropriation bill subsequent to the Governor's veto message. The Governor utilized his line item veto to strike a portion of LB 522. The Governor struck $1,953,249 from Program 292 of the Department of Education from the General Fund appropriations. In exercising his line item veto, the Governor stated, "Along with these amounts, there is appropriated $1,953,249 for reimbursement of the 1975-76 special education programs. . . ." You point out in your letter that the Governor did not strike those amounts from that portion of LB 522, which appears on the final reading copy of the bill on page 26, line 26, through page 27, line 1, which provides:

> "There is included in the amount shown $1,953,249 General Funds which shall be expended for the 1975-76 special education program reimbursement."

You ask whether the agency would be required to expend that amount of money for that purpose even though the Governor had reduced the General Fund appropriation by that amount since he did not, in his veto message, strike that amount from the paragraph quoted above.

An additional factor is that on the day following his veto message, which was given May 17, the Governor sent a further communication, dated May 18, 1977, which stated that he should have stricken the amount indicated in the directory portion of LB 522 as well as reducing the General Fund appropriation.

The Constitution, in Article IV, Section 7, provides in part:

> ". . .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 on the Legislature, and such excess so approved shall be subject to veto by the Governor."

It further provides in Article IV, Section 15, in part:

> "Every bill passed by the Legislature, before it becomes 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. . .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."

The effect of these two provisions of the Constitution is to authorize the Governor to reduce legislative appropriations. The language about which you are concerned is clearly specified in the Governor's letter of May 17, 1977, as the sum stricken. As such, that language from page 26, line 26, through page 27, line 1, of the final reading copy of the bill was effectively stricken by the actual language used by the Governor. No specific action is required in striking or deleting sums from the face of a bill. The necessity is to specify the sum disapproved. The veto message made clear the intent of the Governor.

Assuming that the veto is not overridden, the effect will be to strike the authority to expend $1,953,249 for special education reimbursement. Thus, the Governor's veto message is effective to strike all authority under Program 292, LB 522, relating to the reimbursement of special education expenses from State Department of Education funds for the 1975-76 budget year.

Sincerely yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:lc
cc: Vince Brown, Clerk of the Legislature

RESOLUTIONS

LEGISLATIVE RESOLUTION 119.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Merz, 1st District; Swigart, 8th District; Duis, 39th District; Schmit, 23rd District.

WHEREAS, many changes have occurred in the banking industry in recent years; and

WHEREAS, the banking industry is important to the economic welfare of the state because of the assistance it provides to those people involved in agriculture and other commercial areas; and

WHEREAS, there has not been a comprehensive review and analysis of existing banking laws of the state for more than ten years; and

WHEREAS, as a result of the changes in the industry, all state laws relating to banking need to be reviewed and possibly revised.

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

1. That the Banking, Commerce and Insurance Committee conduct an interim study of all state laws relating to banking for the purpose of determining the need for revision of such laws.

2. That the committee report the results of such study to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 120.

Introduced by Banking, Commerce and Insurance Committee: DeCamp, 40th District, Chairman; Swigart, 8th District; Merz, 1st District; Duis, 39th District; Schmit, 23rd District.

WHEREAS, the insurance industry has undergone many changes in recent years; and

WHEREAS, insurance provides economic stability to the citizens of the state; and

WHEREAS, control of the insurance industry is important; and

WHEREAS, there has not been a comprehensive review and analysis of existing insurance laws of the state for many years; and

WHEREAS, as a result of the changes in the insurance industry, all state laws relating to insurance need to be reviewed and possibly revised.

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

1. That the Banking, Commerce and Insurance Committee conduct an interim study of all state laws relating to insurance for the purpose of determining the need for revision of such laws.

2. That the committee report the results of such study to the next regular session of the Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 431. Mr. Chambers renewed his pending motion found in the Journal on page 2170 to strike the enacting clause.

Mr. Maresh moved the previous question. The question is, "Shall the debate now close?" The motion lost with 15 ayes, 4 nays, and 30 not voting.

SPEAKER LUEDTKE PRESIDING

The Chambers motion lost with 7 ayes, 14 nays, 20 present and not voting, and 8 excused and not voting.

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

Mr. Chambers requested a machine vote to advance LB 431 to E & R Final.

Mr. Maresh moved for a Call of the House. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 25:

Bereuter	Boughn	Burrows	Carsten	Clark
Cope	Duis	George	Goodrich	Hefner
Keyes	Lamb	R. Lewis	Luedtke	Maresh
Marvel	Merz	Mills	Moylan	Murphy
Rumery	Savage	Schmit	Stoney	Swigart

Voting in the negative, 7:

Brennan	Chambers	Fitzgerald	Koch	F. Lewis
Ruetzel	Simon			

Present and not voting, 8:

Barnett	DeCamp	Dworak	Fowler	Hasebroock
Maxey	Newell	Nichol		

Excused and not voting, 9:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Rasmussen	Venditte	Warner	

Advanced to E & R for Engrossment with 25 ayes, 7 nays, 8 present and not voting, and 9 excused and not voting.

UNANIMOUS CONSENT—Print Amendments to LB 273

Mr. Dworak asked unanimous consent to print the following amendments to LB 273 in the Journal. No objections. So ordered.

AMENDMENTS TO LB 273
FINAL READING COPY (SECOND)

1. Insert new sections as follows:

"Sec. 2. Money retained by a race track holding a race meet licensed under Chapter 2, article 12, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, which has not been claimed for winning wagers in any amount for a period of one year, shall be presumed abandoned.

Sec. 3. (1) The race track holding such funds presumed abandoned under the provisions of section 2 of this act shall report to the State Treasurer such information as he shall demand with respect to such property.

(2) After filing the report required by subsection (1) of this section, the race track shall pay over to the State Treasurer all abandoned funds specified in the report.

Sec. 4. All funds received under the provisions of this act shall forthwith be deposited by the State Treasurer in the General Fund of the state.".

2. Renumber original section 2 as section 4.

ANNOUNCEMENT

Mr. Duis announced the Administrative Agency Rules and Regulations Committee will meet at 1:00 p.m. in the Supreme Court Hearing Room.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 46, 131, 204, 204A, 309, 309A, 518, 545, 547, and 220.

(Signed) Samuel K. Cullan, Chairman

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 46, 131, 204, 204A, 309, 309A, 518, 545, 547, and 220.

Mr. Carsten moved the Call be raised. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

MOTION – Tax Rate-Setting

Mr. DeCamp moved that the Legislature adopt 4% as the appropriate reserve requirement for tax rate-setting purposes.

Mr. Bereuter asked unanimous consent to have the motion laid over until tomorrow. No objections. So ordered.

UNANIMOUS CONSENT – Approve Appointments

Mr. Savage asked unanimous consent to approve the following Governor appointments found in the Journal on page 2046 in one record vote:

Paul F. Harm, Richard Veach, Wendell Ganqwish, L. E. Donegan, Dr. David Smith, William M. Whitmer, Dr. James H. Walston, Charles E. Blair.

No objections. So ordered.

Voting in the affirmative, 26:

Barnett	Bereuter	Boughn	Brennan	Burrows
Clark	Cope	DeCamp	Dworak	Fowler
George	Goodrich	Hefner	Koch	F. Lewis
R. Lewis	Luedtke	Merz	Mills	Moylan
Murphy	Rumery	Savage	Schmit	Stoney
Swigart				

Voting in the negative, 0.

Present and not voting, 14:

Carsten	Chambers	Duis	Fitzgerald	Hasebroock
Keyes	Lamb	Maresh	Marvel	Maxey
Newell	Nichol	Reutzel	Simon	

Excused and not voting, 9:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Rasmussen	Venditte	Warner	

The Chair declared the appointments confirmed.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 431.

(Signed) Samuel K. Cullan, Chairman

MOTION—Return LB 533 to Select File

Mr. Simon moved to return LB 533 to Select File for the following specific amendment:

I move to reconsider our actions of May 18 on the DeCamp Amendment which appropriated an additional $500,000 to the Technical Colleges.

Mr. Simon withdrew his motion.

PRESIDENT WHELAN PRESIDING

MOTHER OF THE YEAR PROGRAM

President Whelan introduced Mrs. Eleanore Enerson who presented Mrs. Margaret Hasebroock, Senior Mother of the Year from West Point and Mrs. Diane Dickey, Junior Mother of the Year from Mitchell, Nebraska.

Mrs. Dickey and Mrs. Hasebroock addressed the members briefly. Rev. James Dickey offered a prayer to the body.

MOTION—Suspend Rules

Mr. Bereuter moved to suspend the rules to add his name to LB 44.

The motion prevailed with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

EXPLANATION OF VOTE

Had I been present I would have voted "yes" on LB 46, LB 204, LB 204A, LB 309, LB 309A, LB 518, LB 545e, and LB 547e and would have voted "no" on LB 131e.

(Signed) Jerome Warner

VISITORS

The President introduced 30 third grade students and teacher from Weeping Water, Nebraska

ADJOURNMENT

At 11:22 a.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, May 25, 1977.

Vincent D. Brown
Clerk of the Legislature

EIGHTY-NINTH DAY—MAY 25, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 25, 1977

Pursuant to adjournment, the Legislature met at 9:01 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> O God of us all, may the members of this Legislative body keep ever before them the high responsibility which is theirs. They have an unprecedented challenge; may they make appropriate responses and continually to develop into statesmen. May their debates ever be upon issues, rather than upon human personalities. Give this body the vision to have courage for greatness. May they respond to their challenges, living neither in their vacuum of futility or the gold fish bowl of exhibitionism. Guide them to live as responsible, elected officials, with courage, integrity, vision, cool minds and compassionate hearts. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mesdames. Labedz and Marsh; Messrs. Cullan, Kahle, and Kremer who were excused; Mr. DeCamp who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Eighth Day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 102
May 24, 1977

Dear Senator Chambers:

You have requested the opinion of this office concerning the procedure

used by the Legislature in "gutting" LB 220A and 31 and inserting matter which converts them into new bills. You question whether this procedure is constitutional in view of the fact that only three legislative days remain in this session of the Legislature, and in view of the recent federal district court decision in Nebraskans for Independent Banking, Inc. v. Omaha National Bank, decided on November 30, 1976.

Section 14 of Article III of the Constitution of the State of Nebraska provides in part as follows:

> ". . . 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. . . ."

Judge Denney's opinion in Nebraskans for Independent Banking, Inc. v. Omaha National Bank held unconstitutional LB 763 of 1976 as having been enacted in contravention of the above-quoted section of the Nebraska Constitution. LB 763 originally related to the providing of the same advantages to building and loan associations as are provided to federal building and loan associations. On March 1, 1976, LB 763 was amended so as to relate to financial institutions and providing for attached auxiliary offices. The bill was then expedited and was adopted on March 4, 1976. Judge Denney made the factual determination that the amendment relating to commercial banking was not germane to the original bill concerning building and loan associations so that the amendment should be treated essentially as a new bill which, under the Constitution, may not be passed until five legislative days after its introduction. For the reason that the required five days was not complied with, Judge Denney held that LB 763, as relating to commerical (sic) banking, was passed in an unconstitutional manner.

Assuming the Legislature would pass the two bills in question this session, we cannot at this time render an opinion concerning the constitutionality of the procedure utilized in passing the two bills in question, because we are not in possession of sufficient facts at this time. However, we can say generally that if the new matter inserted into the two legislative bills was not germane to the matter previously being considered by the Legislature, or if the new matter had not previously been before the Legislature under another LB number for the requisite number of days, the constitutionality of the bills would be difficult to defend. However, if the new matter is germane to the original contents of the bill, or if the new matter had been before the Legislature for the requisite number of days under a different LB number, the constitutionality of the bills could probably be successfully defended.

Attached hereto is a copy of Opinion No. 18 of 1977, which was previously issued by this office upon the same general subject. This may be of some help in answering your question.

Yours very truly,

PAUL L. DOUGLAS
Attorney General

(Signed) Gary B. Schneider
Assistant Attorney General

GBS:ejg
attach.
cc Mr. Vincent D. Brown
Clerk of the Legislature

MOTION–Rule Change

Mr. Lamb offered the following rule change to Rule 7, Sec. 4 as follows:
Strike the last paragraph and substitute the following language.
"When the previous question shall have been ordered on a proposition under debate, an opponent of the proposition next scheduled to speak shall have the floor for five minutes. The mover, proponent or introducer of such proposition shall be given the right to close debate thereon."
Referred to the Rules Committee.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 24, 1977, at 11:25 a.m., were the following bills: 46, 131, 220, 204, 204A, 309, 309A, 518, 545, and 547.

(Signed) Barbara Jackson, Enrolling Clerk

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 403. Placed on General File.

(Signed) Frank Lewis, 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 May 25, 1977. Further lists listing additional lobbyists who have registered will be filed weekly.

(Signed) Vincent D. Brown
Clerk of the Legislature

Wylie, William M. - Elgin, Fraizer & Fraizer

SELECT COMMITTEE REPORT
Committee on Committees

Hearing held May 24, 1977

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 Legislature Body and suggests a record vote.

Robert Cunningham
Game and Parks Commission

Senators Frank Lewis, Mills, Savage and Moylan appeared in support of Mr. Cunningham's appointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Burrows, F. Lewis, Koch, Moylan, DeCamp, Dworak, Murphy, Cope, Mills, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (2) Senators Labedz and Marsh. Absent: None.

Catherine Dahlquist
Nebraska Liquor Control Commission

Senators Moylan, DeCamp, Mills and F. Lewis appeared in support of Mrs. Dahlquist's appointment. No one appeared in opposition.

Committee Vote: For: (11) Senators Burrows, F. Lewis, Koch, Moylan, DeCamp, Dworak, Murphy, Cope, Mills, Rasmussen, and Savage. Against: None. Not Voting: None. Excused: (2) Senators Labedz and Marsh. Absent: None.

(Signed) John S. Savage, Chairman

RESOLUTION

LEGISLATIVE RESOLUTION 121.

Introduced by Burrows, 30th District; Boughn, 21st District; Fitzgerald, 14th District; Mills, 44th District; Moylan, 6th District; Hefner, 19th District; Stoney, 4th District; Goodrich, 20th District; Merz, 1st District; Hasebroock, 18th District; Cope, 36th District; DeCamp, 40th District; Simon, 31st District; Rasmussen, 41st District; Maxey, 46th District; Keyes, 3rd District; George, 16th District; Lamb, 43rd District; Maresh, 32nd District; Warner, 25th District; Murphy, 17th District; Rumery, 42nd District; Brennan, 9th District; F. Lewis, 45th District; Koch, 12th District.

WHEREAS, the number of severe, profound and multiple handicapped residents of the Beatrice State Developmental Center indicate that the Beatrice State Developmental Center population cannot be reduced to fewer than seven to eight hundred residents; and

WHEREAS, the Legislature wants to continue its historical commitment to adequately care for its handicapped citizens, and comply with standards promulgated by the Department of Health, Education and Welfare.

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

1. That the Department of Public Institutions is hereby instructed to plan renovation of various areas at the Beatrice State Developmental Center to meet standards promulgated by the Department of Health, Education and Welfare.

2. That the Department of Public Institutions shall include in its 1978-79 budget request sufficient funds to fully comply with such standards by January 1, 1980 at the Beatrice State Developmental Center Campus.

Laid over.

MOTION–Override Veto on LB 38

Mr. Barnett moved that LB 38 become law notwithstanding the objections of the Governor.

Laid over.

MOTION–Override Veto on LB 38A

Mr. Barnett moved that LB 38A become law notwithstanding the objections of the Governor.

Laid over.

MOTION–Override Veto on LB 39

Mr. Barnett moved that LB 39 become law notwithstanding the objections of the Governor.

Laid over.

MOTION–Override Veto on LB 40

Mr. Barnett moved that LB 40 become law notwithstanding the objections of the Governor.

Laid over.

MOTION–Override Veto on LB 41

Mr. Barnett moved that LB 41 become law notwithstanding the objections of the Governor.

Laid over.

MOTION–Suspend Rules

Mr. Luedtke moved to suspend the rules, Rule 6, Sec. 6b to consider the Final Reading of bills set for June 1 excluding LB 273.

The motion prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT–LB 52 Final Reading

Mr. DeCamp asked unanimous consent to have LB 52 laid over until the end of Final Reading. No objections. So ordered.

Mr. Nichol asked unanimous consent to be excused for a short time. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 4. Mr. Chambers moved to return LB 4 to Select File for the following specific amendment:
Strike the Barnett Amendment dealing with "$25.00 for Food"

The motion lost with 11 ayes, 22 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Chambers moved to return LB 4 to Select File for the following specific amendment:
To strike $25 and insert $10 in the Barnett Amendment

The motion lost with 8 ayes, 19 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Chambers moved to bracket LB 4 until January 12, 1978.

Mr. Koch moved the previous question. The question is, "Shall the debate now close?" The motion lost with 24 ayes, 9 nays, and 16 not voting.

The Chambers motion to bracket lost with 10 ayes, 22 nays, 10 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 122.

Introduced by Warner, 25th District; Goodrich, 20th District; Cope, 36th District; Fowler, 27th District; Hasebroock, 18th District; Rumery, 42nd District; Savage, 10th District; Bereuter, 24th District.

WHEREAS, there exists no Nebraska state acquisition plan for the areas that are in close proximity of the Nebraska Capitol Building; and

WHEREAS, opportunities for acquisition should be given consideration based on state government needs and market values of property; and

WHEREAS, the property herein described as follows:

> Lots 1, 2, 3, 4, 5, 6, 10, 11, 12, together with vacated alley abutting Lot 3 on the west, Block 123, Original City of Lincoln, Lancaster County, Nebraska,

may become available in the near future and deserves investigation and consideration; and

WHEREAS, a systematic procedure for the acquisition of such property is in the best interests of the citizens of Nebraska.

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

1. That the Governor appoint a Capitol Environs Acquisition Committee to identify and study the future needs of the state in relationship to acquisition of the aforementioned property.

2. That the membership of such committee include three members of the Legislature to be selected by the Executive Board of the Legislative Council.

3. That such joint committee shall present its findings of needs and said property that might be available for acquisition within the nest year, along with its recommendations for acquisition, to the 1978 Legislature on or before February 1, 1978.

Laid over.

LEGISLATIVE RESOLUTION 123.

Introduced by Maresh, 32nd District; Duis, 39the District; R. Lewis, 38th District.

WHEREAS, Nebraska tax law requires that individuals on active duty with the military pay Nebraska state income tax if such individuals use Nebraska as their permanent residence; and

WHEREAS, many states exempt such individuals from payment of the particular state income tax; and

WHEREAS, taxation of such military personnel may not be equitable because the individuals do not have an opportunity to use the services provided by the income tax which they pay.

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

1. That the Revenue Committee conduct an interim study of the state income tax situation with respect to active duty military personnel who are residents of the state.

2. That the results of such study be reported to the next regular session of the Legislature.

Referred to the Executive Board.

ATTORNEY GENERAL'S OPINION

Opinion No. 104
May 24, 1977

Dear Senator Maresh:

You write asking if the provisions of LB 220A would apply to local subdivisions of state government, namely counties, cities, and school districts. LB 220A is an act requiring that employers shall pay wages to their employees on a regular basis and provides remedies for nonpayment.

Section 2(1) of the bill defines employer to "mean any individual, partnership, association, joint stock company, trust, corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor thereof, employing any person as an employee, except that employer shall not be construed to include the state." Obviously, the enumerated entities do not include the state nor any of its governmental subdivisions. Had the word "person" been used, then your question might perhaps be a little difficult as section 49-801 defines a person as including bodies politic and corporate which could possibly include governmental subdivisions. However, the state or its governmental subdivisions are not normally, unless the context of the statute is otherwise, included with the specific entities listed. A question, perhaps, could be raised that by the exception which only applies to the state, that we might infer that other local governmental subdivisions would be included. We do not feel that this would be a valid argument. It would appear, rather, that this language was used out of an over abundance of caution as normally when a state or its governmental subdivisions are brought within the terms of an act, it is done rather specifically. See section 48-106 which specifically provides that the Workmen's Compensation Act shall apply to the "State of Nebraska and every governmental agency created by it." Also see section 48-604(4) (a) which brought the state and its instrumentalities under the Employment Security Act.

In view of the foregoing, we conclude that the phase "except that employer shall not be construed to include the state" is mere surplusage as the state or its governmental subdivisions do not fall within the definition of any of the specific entities mentioned.

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

MOTION—Return LB 4 to Select File

Mr. Chambers moved to return LB 4 to Select File for the following specific amendment:

Strike the enacting clause.

The motion lost with 11 ayes, 23 nays, 8 present and not voting, and 7 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 124.

Introduced by Marvel, 33rd District; R. Lewis, 38th District; Mills, 44th District; Fowler, 27th District.

WHEREAS the management of energy matters is becoming increasingly important at the state and federal level;

WHEREAS the Congress of the United States, recognizing the need for state energy conservation policies tailored to a particular state's energy environment, has enacted legislation providing for assistance in developing state energy conservation plans;

WHEREAS the Nebraska 1978 Unicameral will be considering major pieces of energy legislation as a result of the state energy conservation plan; and

WHEREAS energy issues cross many standing committee responsibilities in the Nebraska Legislature.

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

1. That the Energy Subcommittee of the Executive Board of the Legislative Council should initiate, assign, and coordinate interim studies of the Legislature on energy issues.

2. That studies initiated by the various Legislative Standing Committees regarding energy should be coordinated through such Energy Subcommittee.

3. That the Energy Subcommittee shall have the responsiblity to create special interim study committees to assure broad legislative participation.

Laid over.

LEGISLATIVE RESOLUTION 125.

Introduced by Boughn, 21st District; Hefner, 19th District; DeCamp, 40th District.

WHEREAS, the supply of various forms of energy available for consumption in the United States is very limited; and

WHEREAS, such energy limitations will, in the future, have tremendous adverse effects on the various forms of transportation presently used in the United States and the State of Nebraska; and

WHEREAS, abandonment of certain railroad trackage between Norfolk, Nebraska and Winner, South Dakota has been proposed; and

WHEREAS, railroad transportation has long been proven to be an efficient, reliable method of transportation; and

WHEREAS, the railroad track proposed to be abandoned represents the principal method of transportation for some fourteen villages and towns; and

WHEREAS, as a result of the uncertain and very bleak future with respect to energy removal and destruction of existing and proven transportation systems without regard to the future may have disasterous and tragic effects.

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

1. That the Legislature strongly opposes any attempt to abandon the railroad trackage between Norfolk, Nebraska and Winner, South Dakota.

2. That the Clerk of the Legislature send copies of this resolution to all members of the Public Service Commission.

Laid over.

MOTION—Reconsider Action on LB 4

Mr. F. Lewis moved to reconsider action on the Chambers motion to return LB 4 to Select File for the specific amendment to strike the enacting clause.

Mr. F. Lewis asked unanimous consent to withdraw his motion.

Mr. Chambers objected.

Mr. F. Lewis moved to withdraw his motion. The motion prevailed with 26 ayes, 9 nays, 7 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 4. With Emergency.

A BILL FOR AN ACT to amend sections 49-1482, 49-1486, and 49-1489, Revised Statutes Supplement, 1976, relating to lobbying; to change the registration fee and the period of registration as prescribed; to change provisions relating to records and documents to substantiate statements; to repeal the original sections; and to declare an emergency.

Mr. Chambers moved to return LB 4 to Miscellaneous Subjects Committee.

Mr. Chambers requested a record vote on his motion to return LB 4.

Voting in the affirmative, 10:

Bereuter	Chambers	Dworak	Fowler	George
R. Lewis	Maresh	Marvel	Maxey	Mills

Voting in the negative, 21:

Barnett	Boughn	Carsten	Clark	Cope
Duis	Goodrich	Hasebroock	Keyes	Koch
Luedtke	Merz	Moylan	Newell	Nichol
Rasmussen	Rumery	Schmit	Simon	Stoney
Swigart				

Present and not voting, 11:

Brennan	Burrows	Fitzgerald	Hefner	Lamb
F. Lewis	Murphy	Reutzel	Savage	Venditte
Warner				

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh			

The motion lost with 10 ayes, 21 nays, 11 present and not voting, and 7 excused and not voting.

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

Mr. Chambers requested a roll call vote on the Final Reading.

Voting in the affirmative, 29:

Barnett	Boughn	Brennan	Carsten	Clark
Cope	Duis	Fitzgerald	Goodrich	Hasebroock
Keyes	Koch	Lamb	F. Lewis	Luedtke
Marvel	Merz	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 11:

Bereuter	Chambers	Dworak	Fowler	George
Hefner	R. Lewis	Maresh	Maxey	Mills
Newell				

Present and not voting, 2:

Burrows	Venditte

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh			

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. Chambers requested a roll call vote.

Voting in the affirmative, 30:

Barnett	Boughn	Brennan	Carsten	Clark
Cope	Duis	Fitzgerald	Goodrich	Hasebroock
Keyes	Koch	Lamb	F. Lewis	Luedtke
Marvel	Merz	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Warner

Voting in the negative, 12:

Bereuter	Burrows	Chambers	Dworak	Fowler
George	Hefner	R. Lewis	Maresh	Maxey
Mills	Venditte			

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh			

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

ANNOUNCEMENT

Mr. Duis announced the Administrative Agency Rules and Regulations Committee will meet at 1:00 p.m. in Room 2102 today.

MOTION–Suspend Rules

Mr. Schmit moved to suspend the rules and read all bills on Final Reading today without further debate.

Mr. Clark moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 3 nays, and 17 not voting.

The Schmit motion to suspend the rules prevailed with 30 ayes, 5 nays, 7 present and not voting, and 7 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 220A.

A BILL FOR AN ACT relating to employment; to provide that employers shall regularly pay wages to employees; to provide remedies for nonpayment; and to provide exceptions.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Dworak	Fitzgerald
Fowler	Hefner	Keyes	Koch	Lamb
F. Lewis	R. Lewis	Luedtke	Maresh	Marvel
Maxey	Mills	Moylan	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 5:

Cope	Duis	Hasebroock	Merz	Rasmussen

Present and not voting, 2:

George	Goodrich

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh			

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

LEGISLATIVE BILL 346. With Emergency.

A BILL FOR AN ACT relating to county hospitals and related facilities; to provide for the establishment and funding of a retirement plan 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, 33:

Barnett	Boughn	Burrows	Carsten	Clark
Cope	Duis	Fitzgerald	Fowler	Hasebroock
Koch	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Maxey	Merz	Mills	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 5:

Bereuter	Chambers	Dworak	Keyes	Marvel

Present and not voting, 4:

Brennan	George	Goodrich	Hefner

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	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 509.

A BILL FOR AN ACT to amend sections 48-602, 48-603, 48-604, 48-627, 48-628.02, 48-652, and 48-661, Reissue Revised Statutes of Nebraska, 1943, and sections 48-628 and 48-649, Revised Statutes Supplement, 1976, relating to the employment security law; to change certain provisions of the employment security law; to define terms; to provide employers coverage for certain employing units; to include certain services as services in employment; to amend the method of financing benefits paid to employees of the State of Nebraska; to provide for transition; to provide for a tax to meet increased costs; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Dworak
Fitzgerald	Fowler	George	Hasebroock	Hefner
Keyes	Koch	Lamb	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 3:

Duis	Goodrich	F. Lewis

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh			

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

ANNOUNCEMENT

President Whelan announced Friday, May 27, 1977 will be Mr. Merz's birthday.

Mr. Warner announced a meeting of the Appropriations Committee on May 31, 1977, in Room 1003 at 2:00 p.m. for the purpose of considering the requirements of Rule 6 Section 13.

RESOLUTIONS

LEGISLATIVE RESOLUTION 126.

Introduced by Fowler, 27th District.

WHEREAS the Public Health and Welfare Committee has been requested to conduct an interim study of services to the elderly.

NOW, THEREFORE, BE IT RESOLVED THAT THE PUBLIC HEALTH AND WELFARE COMMITTEE STUDY SHALL ALSO INCLUDE THE FOLLOWING:

1. A review of the adequacy of existing services to the elderly.
2. Need for additional services to the elderly.
3. Coordination of existing services to the elderly provided by state governmental agencies, local governmental agencies and private organizations.
4. The services to be examined during the study should include the following services: transportation, nutrition, homemaker, and chore assistance, recreation, legal assistance, and alternatives to nursing home care.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 127.

Introduced by Fowler, 27th District.

WHEREAS, the Legislature has mandated that all handicapped school age children shall receive appropriate special education; and

WHEREAS, the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped have traditionally provided special education for selected children; and

WHEREAS, there is concern that the policy of charging school districts for the full cost of education at these State schools will have an adverse effect on the children currently receiving services at the schools or the

future role of the schools in the provision of special education in the State of Nebraska.

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

1. That the Education Committee study the funding of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped.

2. That the Education Committee study the impact of charging school districts for the full cost of education at the State schools.

3. That the Education Committee study the availability and quality of alternative educational programs in the State.

4. That the Education Committee make a report of its findings and any recommendations for legislation to the Eighty-Fifth Legislature, Second Session, 1978.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128.

Introduced by Appropriations Committee: Warner, 25th District, Chairman; Hasebroock, 18th District; Cope, 36th District; Rumery, 42nd District; Bereuter, 24th District; Savage, 10th District; Fowler, 27th District.

WHEREAS, correctional reform and improvement have been a continuing concern of the Nebraska Unicameral Legislature; and

WHEREAS, the Department of Correctional Services has been authorized to expend more than twenty million dollars in new correctional facilities; and

WHEREAS, for correctional reform and improvement to occur, it is necessary to improve and enhance correctional programs in conjunction with new facility construction; and

WHEREAS, the Legislature has authorized and made an appropriation to the Correctional Improvement Program for the purposes of improving correctional treatment programs.

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

1. That the Executive Board of the Legislative Council shall appoint by July 1, 1977, seven evaluation teams, one for each of the seven designated areas of the Correctional Improvement Program.

2. That each of the seven Correctional Improvement Program Evaluation Teams be comprised of seven members to include two legislators, three citizens and two persons recommended by the Governor.

3. That the Executive Board of the Legislative Council designate one of the legislators as the chairperson of each of the evaluation teams.

4. That the Legislative Fiscal Office be responsible for providing and coordinating the legislative support staff and for obtaining, if necessary,

any additional support or contractual services to assist the seven Correctional Improvement Program Evaluation Teams in the performance of their duties.

5. That the Department of Correctional Services shall commence the self-evaluation of the available and existing programs identified for the Correctional Improvement Program as soon as possible.

6. That the Department of Correctional Services and the Correctional Improvement Evaluation Teams meet prior to August 1, 1977, and begin implementing the Correctional Improvement Program.

7. That the Department of Correctional Services and the Correctional Improvement Evaluation Teams each submit reports on the progress of the Correctional Improvement Programs to the Executive Board of the Legislative Council and the Governor by January 4, 1978.

Laid over.

REPORT OF LEGISLATIVE COUNCIL EXECUTIVE BOARD

The following legislative resolutions were approved by the Executive Board and referred to the indicated committees for study during the 1977-78 interim:

Committee on Agriculture and Environment

LR 60 – Solid waste management and disposal. (Agriculture Com.)

Committee on Appropriations

LR 32 – UN parity and equity concerns. (Appropriations Com.)

LR 33 – Salary policy and formula concerns of the Board of Trustees of State Colleges. (Appropriations Com.)

LR 59 – Concept of zero based budgeting. (Appropriations Com.)

LR 62 – Study of community based retardation and mental health funding patterns. (Dworak) (Joint study with Health Com.)

LR 106 – Study of those agencies delivering human services. (Bereuter)

LR 117 – Pay and Classification Plan. (Goodrich)

Committee on Banking, Commerce and Insurance

LR 119 – Study of existing banking laws. (Banking Com.)

LR 120 – Study of all state laws relating to insurance. (Banking Com.)

Committee on Business and Labor

LR 38 – Prohibition against hiring an illegal alien. (Stoney, Koch)

LR 92 – Study of LB 321, tax rebates for establishment of job training program. (Business and Labor Com.)

LR 94 – Use of polygraph tests and licensing. (Business and Labor Com.)

Committee on Constitutional Revision & Recreation

LR 73 – Areas of site value taxation and special levies on mobile homes. (Con. Rev. & Rec. Com.)

LR 74 – Partisan Legislature (Con. Rev. & Rec. Com.)

LR 75 – Study of Game and Parks Commission financial needs. (Koch)

Committee on Education

LR 93 – Current methods of funding for education. (Educ. & Revenue Com.) (Joint study by Education and Revenue Com.)

LR 99 – Services provided by Meyer's Children's Rehabilitation Institute. (F. Lewis)

LR 112 – Non-resident tuition. (Cope, F. Lewis)

Committee on Government, Military and Veterans Affairs

LR 115 – Private security industry. (Chambers)

LR 118 – Military Department. (Government Com.)

Committee on Judiciary

LR 21 – Study of assault and battery by one marital partner upon the other. (Barnett)

LR 26 – Sale, possession, distribution and dissemination of false information about marijuana. (Venditte)

LR 44 – Civil statutes concerning limitations on actions to determine reasonableness and acceptability. (Chambers)

LR 56 – Study of probation systems in Nebraska. (Reutzel)

LR 80 – Criminal Code dealing with gambling and sexual assault. (DeCamp)

LR 89 – The need for intermediate juvenile corrections facilities. (Barnett)

LR 90 – Rewriting juvenile laws. (Barnett)

LR 91 – Methods of jury selection. (DeCamp)

LR 97 – Laws relating to determinant sentencing. (Bereuter)

Committee on Miscellaneous Subjects

LR 19 – Problems of teenage alcohol abuse. (Kelly)

LR 23 – Billing and disconnection policies of public and private utility companies. (Misc. Subj. Com.)

LR 57 – State Racing Commission. (Misc. Subj. Com.)

LR 67 – Review of previous studies on accessibility of criminal record information. (Misc. Subj. Com.)

Committee on Public Health and Welfare

LR 9 – State Nursing Board. (Dworak)

LR 15 – Sudden Infant Deaths, laws and procedures for reporting, investigating and recording. (Stoney)

LR 41 – Laetrile as treatment drug for cancer. (Health Com.)

LR 51 – Medical service and health care expenses. (Warner, R. Lewis, etc.)

LR 58 – Licensing of acupuncturists. (Stoney)

LR 62 – Study of community based retardation and mental health funding patterns. (Dworak)(Joint study with Appropriations Com.)

LR 68 – Tax supported functions of UNO Med Center. (Marvel, Hasebroock, etc.)

LR 105 – Administration of welfare programs. (Goodrich)

LR 109 – Regulations of Departments of Health; Welfare, as relates to nursing homes. (Health Com.)

LR 110 – Reasons for escalating hospital costs. (Bereuter)

LR 113 – Services for the elderly. (Rasmussen)

LR 116 – Current administration of the welfare program. (Goodrich)

Committee on Public Works

LR 27 – Merger of OPPD and MUD. (Venditte)

LR 64 – Road signs to alert citizens of potential road hazards caused by pivot irrigation systems. (Maresh)

LR 83 – Eminent domain. (Rasmussen, Schmit, etc.)

LR 103 – Laws relating to water resources. (Public Works Com.)

LR 111 – Reducing construction specs of certain highways. (Maresh)

Committee on Revenue

LR 49 – Personal property tax exemptions. (Keyes)

LR 55 – Alternative approaches to present system of eliminating personal property taxes. (Newell)

LR 77 – Study of property tax. (DeCamp)

LR 85 – Property tax burden. (Keyes)

LR 86 – Valuing real and personal property for tax purposes as relates to inter- and intra-county taxation. (Keyes)

LR 93 – Current methods of funding for education. (Educ. and Revenue Com.) (Joint study by Education and Revenue Com.)

LR 100 – Taxation of multi-state and national corporations (Keyes)

Committee on Urban Affairs

LR 20 – Parking meter funds. (Urban Affairs Com.)

LR 76 – Study of all statutes creating special assessment districts. (Urban Affairs Com.)

Legislative Council Executive Board

LR 45 – Legislative Rules. (Rules Com.)

LR 72 – Committee structure. (Koch)

LR 87 – Committee structure. (Newell, Labedz, Keyes, Kelly)

LR 107 – Operation of all testing labs - state, local and private. (Bereuter, Kelly)

Committee on Nebraska Retirement Systems
LR 66 – Public Employees Retirement Systems. (Retirement Com.)

Committee on Telecommunications
LR 114 – Rural telephone service. (Bereuter)

The following resolutions were held in the Executive Board pending further information and study. They will be referred at a future Executive Board meeting.
LR 3 – Development of solar energy. (Mills)
LR 35 – Nebraska Accountability Act. (Koch)
LR 70 – Product liability insurance costs. (Banking Com.)
LR 98 – Conservation of energy. (Agriculture Com.)
LR 101 – Taxation of insurance companies. (Keyes)

(Signed) Richard Marvel, Chairman

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 530. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; to recite limitations on expenditures; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 40:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Duis
Dworak	Fitzgerald	Fowler	George	Hasebroock
Hefner	Keyes	Koch	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Maxey
Merz	Mills	Moylan	Murphy	Newell
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 2:

Goodrich	Nichol

Excused and not voting, 7:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh			

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

Mr. Rasmussen asked unanimous consent to be excused for a short time. No objections. So ordered.

LEGISLATIVE BILL 537. With Emergency.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 531, Eighty-fifth Legislature, First Session, 1977; to provide for repeal; and to declare an emergency.

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

Voting in the affirmative, 38:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Duis	Dworak
Fowler	George	Goodrich	Hasebroock	Keyes
Koch	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Mills
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 3:

Boughn	Fitzgerald	Hefner

Excused and not voting, 8:

Cullan	DeCamp	Kahle	Kelly	Kremer
Labedz	Marsh	Rasmussen		

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. Mills asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 531. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; to recite limitations on expenditures; to provide severability; and to declare an emergency.

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

Voting in the affirmative, 38:

Bereuter	Boughn	Brennan	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fowler	Goodrich	Hasebroock	Hefner
Keyes	Koch	Lamb	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Moylan
Murphy	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 1:

George

Present and not voting, 3:

Barnett	Fitzgerald	F. Lewis

Excused and not voting, 7:

Cullan	Kahle	Kelly	Kremer	Labedz
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 539. With Emergency.

A BILL FOR AN ACT To state legislative intent for Legislative Bill 532, Eighty-fifth Legislature, First Session, 1977; to provide for repeal; and to declare an emergency.

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

Voting in the affirmative, 39:

Barnett	Bereuter	Boughn	Burrows	Carsten
Chambers	Clark	Cope	DeCamp	Duis
Dworak	Fitzgerald	George	Goodrich	Hasebroock
Hefner	Keyes	Koch	Lamb	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 3:

Brennan	Fowler	F. Lewis

Excused and not voting, 7:

Cullan	Kahle	Kelly	Kremer	Labedz
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.

VISITORS

The President introduced 22 members and sponsor from Omaha representing the Junior Olympics, June 22-25 in Chicago.

RECESS

At 12:23 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:38 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mesdames. Labedz and Marsh, Messrs. Cullan, Kahle, Kelly, Kremer, and Mills who were excused.

UNANIMOUS CONSENT–Member Excused

Mr. Rasmussen asked unanimous consent to be excused at 2:00 p.m. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 129.

Introduced by Bereuter, 24th District; Fowler, 27th District.

WHEREAS, there has been substantial public discussion in recent years regarding the role and effectiveness of the State Office of Mental Retardation; and

WHEREAS, this office, formed by statute, currently has a very limited role of establishing standards and evaluating the community mental retardation programs; and

WHEREAS, many of Nebraska's mentally retarded persons, particularly those residing in nursing homes, the regional centers and the penal complex, do not receive any assistance from the State Office of Mental Retardation; and

WHEREAS, recent public statements have indicated an intent by the Department of Public Institutions to reduce the staff of the State Office of Mental Retardation by more than two-thirds, further reducing any effectiveness it now has; and

WHEREAS, the Legislature wishes to see delivered to Nebraska's mentally retarded persons, quality services in a coordinated equitable and efficient manner.

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

1. That an interim study committee be established to examine the State Office of Mental Retardation, its statutory authority, the legal and administrative constraints under which it operates in the Department of Public Institutions, the effectiveness of its current functioning and any future role.

2. That this study be done with the goal of seeking the provision of quality coordinated services to all the mentally retarded citizens of Nebraska.

3. That the committee make a report of its findings together with its recommendations for legislative action to the next regular session of the Legislature.

Referred to the Executive Board.

ANNOUNCEMENTS

Mr. Dworak announced the Miscellaneous Subjects Committee will meet under the South Balcony at 2:30 p.m., May 25, 1977.

Mr. R. Lewis announced the Unicameral Update will be published on the following dates:
Issue No. 17 – Friday, May 27
Issue No. 18 – Friday, June 3
Issue No. 19 – Friday, June 17

Issue No. 19 will be a recap of the legislative session and a look at interim studies which will be addressed by lawmakers.

The Subcommittee will meet within the next few weeks to develop guidelines and establish an interim mailing schedule. Each of you will be advised of this schedule as soon as it is available.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 4.

(Signed) Samuel K. Cullan, Chairman

Mr. Barnett asked unanimous consent to hold LB 4 in the possession of the Legislature.

Mr. Chambers objected.

Mr. Chambers withdrew his objection.

No objections. So ordered.

LB 4 was held.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 532. Mr. Dworak raised a point of order as to the reading of LB 532 at this time as not being on file one legislative day.

The Chair sustained the point of order.

The Chair ruled according to the Constitution the bill has to lay on the desks one full legislative day.

Mr. F. Lewis challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The Chair withdrew his previous ruling and ruled the bill could be read.

Mr. F. Lewis withdrew his challenge.

Mr. Dworak challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

The motion lost with 14 ayes, 18 nays, 9 present and not voting, and 8 excused and not voting.

The Chair was sustained.

Mr. Dworak raised a point of order that Rule 6, Sec, 6 (c) was not suspended this morning.

The Chair ruled there has been no suspension of this Rule and the bill cannot be read.

Mr. F. Lewis challenged the ruling of the Chair.

Mr. Reutzel moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The question is, "Shall the Chair be overruled?" The motion prevailed with 19 ayes, 17 nays, 5 present and not voting, and 8 excused and not voting.

The Chair was overruled.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 532. With Emergency.

A BILL FOR AN ACT to make appropriations for the expense of certain agencies of state government for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

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

Mr. Warner requested a roll call vote.

Voting in the affirmative, 24:

Barnett	Bereuter	Boughn	Cope	Duis
Fitzgerald	Fowler	Goodrich	Hasebroock	Hefner
Keyes	Koch	F. Lewis	Luedtke	Maxey
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Swigart	Warner	

Voting in the negative, 14:

Brennan	Burrows	Carsten	Chambers	Clark
Dworak	George	Lamb	R. Lewis	Maresh
Marvel	Moylan	Murphy	Stoney	

Present and not voting, 3:

DeCamp	Merz	Venditte

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Mills	Rasmussen		

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. Warner requested a roll call vote.

Voting in the affirmative, 28:

Barnett	Bereuter	Boughn	Carsten	Cope
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Keyes
Koch	F. Lewis	Luedtke	Maxey	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Swigart	Warner		

Voting in the negative, 10:

Brennan	Burrows	Clark	Lamb	R. Lewis
Maresh	Marvel	Moylan	Murphy	Stoney

Present and not voting, 3:

Chambers	Merz	Venditte

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Mills	Rasmussen		

The Chair ruled the bill passed with the emergency clause stricken.

Mr. DeCamp moved to reconsider action on the passage of LB 532 with the emergency clause.

Mr. Warner, Chairman of the Appropriations Committee, stated LB 532 had appropriations in excess of the Governor's budget requiring 30 votes.

The Chair reversed his ruling and declared LB 532 failed with the emergency clause stricken.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 220A, 346, 509, 530, 531, 537, and 539.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 220A, 346, 509, 530, 531, 537, and 539.

UNANIMOUS CONSENT—Hold LB 539

Mr. Bereuter asked unanimous consent that LB 539 be held in the Legislature and not sent to the Governor for signature until LB 532 is sent to the Governor.

No objections. So ordered.

UNANIMOUS CONSENT—Print in Journal

Mr. Fitzgerald asked unanimous consent to print the following in the Journal. No objections. So ordered.

Nebraska Representatives AAU JR. Olympics National Playoffs in Chicago
Mt. Olive Volleyball from Omaha
Boys Team
Bruce Jackson, Mike Johnson, Mark Tillwick, DeWayne Greim, Ken Jansa, Jerry Hamblen, Dale Greenwald, Steve Thedens.

Girls Team
Sandy Winther, Brenda Saunders, Marsha Yeck, Susan Wille, Verdell Frazer, Cindy Hamblen, Karen Sloan, Kristi Sloan, Jeanne Sandene, Laurie Dromsky, Jacuelyn White.

MOTION—Ombudsman Reappointment

Mr. Marvel moved the reappointment of Murrell B. McNeil as Ombudsman, and asks that the Legislature vote its approval as required by Sec. 81-8,241. A two-thirds vote is required.

Motion pending.

RESOLUTION

LEGISLATIVE RESOLUTION 130.

Introduced by Keyes, 3rd District.

WHEREAS, the Department of Revenue, the State Treasurer, and the Department of Administrative Services are all involved in the processing of receipts and expenditures of the state government, and

WHEREAS, the Legislature needs to have access to the financial status

of the State and to the information related to the financial status of the State, and

WHEREAS, all three above-mentioned departments of government provide varying information in regard to specific request about financial transactions of the State.

NOW THEREFORE BE IT RESOLVED:

That the Legislature of the State of Nebraska direct the Performance Review and Audit Committee, as created under LB 193 of the 85th Legislature, 1st Session, to cause an interim study to be conducted on the availability and accuracy of information provided to the Legislature, by the Department of Revenue, the Department of Administrative Services and the office of the State Treasurer.

That the Performance Review and Audit Committee report its finding to the next regular session of the Legislature.

Laid over.

Mr. Newell moved to adjourn until June 1, 1977.

The motion lost with 5 ayes, 23 nays, and 21 not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 131.

Introduced by Chambers, 11th District.

WHEREAS, changing and worsening economic conditions cause welfare recipients to suffer increasing difficulties in maintaining a minimum standard of living; and

WHEREAS, in determining the amounts to be provided to welfare recipients, a basis for measurement called "the standard of need" is used; and

WHEREAS, "the standard of need" must be revised to reflect current living costs; and

WHEREAS, development of or changes in rules and regulations relating to welfare are often made without providing an opportunity to welfare recipients to discuss the issues; and

WHEREAS, the impact of rules and regulations is seldom considered.

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

1. That the Public Health and Welfare Committee conduct an interim study of the following:

(a) The use and adequacy of "the standard of need" in determining welfare amounts;

(b) Procedures for the development of or changes in rules and regulations; and

(c) The use of impact statements for rules and regulations.

2. That the results of the study be reported to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 132.

Introduced by Schmit, 23rd District; DeCamp, 40th District; Venditte, 7th District; Lamb, 43rd District; Hefner, 19th District; Maresh, 32nd District; Burrows, 30th District.

WHEREAS, under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, provision is made for a state plan for the certification of applicators of restricted use pesticides; and

WHEREAS, the State of Nebraska has embarked upon a coordinated effort to assure the safe application of restricted use pesticides in this state by a certification plan administered by the Department of Agriculture, with the assistance and cooperation of the University of Nebraska Cooperative Extension Service, all as provided in sections 2-2612 to 2-2618, Revised Statutes Supplement, 1976; and

WHEREAS, this state plan of certification has met with some degree of success within the state and appears to be meeting the needs of the state as they relate to the regulation of applicators of restricted use pesticides.

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

1. That the state agencies responsible for administering the state plan of certification of restricted use pesticide applicators are the Nebraska State Department of Agriculture and the University of Nebraska Cooperative Extension Service, all as set forth in sections 2-2612 to 2-2618, Revised Statutes Supplement, 1976.

2. That such state agencies now have and will continue to have the legal authority and qualified personnel necessary to carry out the plan, to the extent that this Legislature can now give assurance.

3. That the state will devote adequate funds to the administration of the state plan, to the extent that this Legislature can now give such assurance.

4. That the fullest cooperation and consideration should take place between the designated state agencies and the Administrator of the Environmental Protection Agency in the area of transfers of information, as requested, which will make the state plan a meaningful and integral part of the national effort to certify applicators of restricted use pesticides.

5. That the standards for the certification of applicators of restricted use pesticides in the State of Nebraska are and shall continue to provide that to be certified an individual must be determined to be competent with respect to the use and handling of pesticides or to the use and handling of the pesticide or class of pesticide covered by such individual's certification.

6. That the appropriate steps be taken pursuant to section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, to obtain approval of the Nebraska State plan by the Administrator of the Environmental Protection Agency.

7. That the Agriculture and Environment Committee continually monitor the state plan for certification, and the actions of the Environmental Protection Agency under the Federal Insecticide, Fungicide and Rodenticide Act, as amended.

8. That the Agriculture and Environment Committee conduct an interim study of the need for any changes in the state plan for certification.

9. That the Committee report the results of such study to the next regular session of the Legislature.

Laid over.

LEGISLATIVE RESOLUTION 133.

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-FIFTH 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 134.

Introduced by F. Lewis, 45th District.

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 for special education programs and services; and

WHEREAS, 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-FIFTH 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.

MOTION—Change Speaker's Order

Mr. DeCamp moved to change the Speaker's order and go off of Final Reading at this time.

Mr. DeCamp requested a roll call vote.

Voting in the affirmative, 14:

Barnett	Boughn	DeCamp	Fowler	George
Keyes	Koch	F. Lewis	Luedtke	Newell
Nichol	Reutzel	Schmit	Simon	

Voting in the negative, 23:

Bereuter	Burrows	Carsten	Chambers	Clark
Cope	Duis	Dworak	Goodrich	Hasebroock
Hefner	Lamb	R. Lewis	Maresh	Marvel
Maxey	Moylan	Murphy	Rumery	Stoney
Swigart	Venditte	Warner		

Present and not voting, 4:

Brennan	Fitzgerald	Merz	Savage

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Mills	Rasmussen		

The motion lost with 14 ayes, 23 nays, 4 present and not voting, and 8 excused and not voting.

SPEAKER LUEDTKE PRESIDING

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 543. With Emergency.

A BILL FOR AN ACT to state legislative intent for Legislative Bill 533, Eighty-fifth Legislature, First Session, 1977; to provide for repeal; and to declare an emergency.

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

Mr. Warner requested a roll call vote.

Voting in the affirmative, 25:

Bereuter	Burrows	Carsten	Clark	Cope
Duis	Dworak	George	Goodrich	Hasebroock
Hefner	Lamb	R. Lewis	Maresh	Marvel
Maxey	Moylan	Murphy	Reutzel	Rumery
Savage	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 16:

Barnett	Boughn	Brennan	Chambers	DeCamp
Fitzgerald	Fowler	Keyes	Koch	F. Lewis
Luedtke	Merz	Newell	Nichol	Schmit
Simon				

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Mills	Rasmussen		

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. Warner requested a roll call vote.

Voting in the affirmative, 24:

Bereuter	Burrows	Carsten	Clark	Cope
Duis	Dworak	George	Goodrich	Hasebroock
Hefner	Lamb	R. Lewis	Maresh	Marvel
Maxey	Moylan	Murphy	Rumery	Savage
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 1:
Fowler
Present and not voting, 16:

Barnett	Boughn	Brennan	Chambers	DeCamp
Fitzgerald	Keyes	Koch	F. Lewis	Luedtke
Merz	Newell	Nichol	Reutzel	Schmit
Simon				

Excused and not voting, 8:

Cullan	Kahle	Kelly	Kremer	Labedz
Marsh	Mills	Rasmussen		

Having failed to receive a constitutional majority voting in the affirmative, the bill failed to pass with the emergency clause stricken.

Messrs. Moylan and Clark asked unanimous consent to be excused for the remainder of the day.

EASE

Pursuant to the Speaker's Order the Legislature was at ease from 4:15 p.m. until 5:00 p.m.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 1977, at 4:35 p.m. were the following bills: 220A, 346, 509, 530, 537, 531, and 539.

(Signed) Barbara Jackson, Enrolling Clerk

RESOLUTIONS

LEGISLATIVE RESOLUTION 135.

Introduced by F. Lewis, 45th District.

WHEREAS, certain elements of uncertainty or unpredictability in matters relating to the employement and dismissal of teachers and education administrators has fostered recent litigation and proposals for Legislative action; and

WHEREAS, such uncertainty and unpredictability can only work to weaken an otherwise strong education system; and

WHEREAS, it is of paramount importance to maintain the strength of Nebraska's system of education; and

WHEREAS, effective work to correct the uncertainty and unpredictability referred to herein may only be completed after a thorough examination of these problem areas by the Legislature.

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

1. That the Legislature's Education Committee perform an interim study of the following matters relating to employment and dismissal of teachers and administrators in Nebraska's system of public education:

a. probation periods for teachers and requirements to obtain tenure;

b. evaluation procedures for teachers;

c. use of teaching contract formats;

d. procedures used in determining questions of reduction of force in teaching ranks; and

e. procedures involved in dismissal of teachers and education administrators.

2. That the Committee make a report of its findings together with recommendations for legislation to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136.

Introduced by F. Lewis, 45th District.

WHEREAS, Rule 44.15.1 issued by the Department of Insurance on September 11, 1972 defines the minimum acts and practices which an insurance company or agent may engage in when replacing life insurance policies; and

WHEREAS, the purpose of Rule 44.15.1 is to make available full and clear information on which an insured may make decisions in his or her own best interest; and

WHEREAS, Rule 44.15.1 is designed to reduce the opportunity for

misrepresentation in replacement situations and to preclude unfair methods of competition and unfair practices; and

WHEREAS, no meaningful study or review of the Rule has been made, despite the receipt by the Department of Insurance of many allegations of misrepresentation, unfair competition, and unfair practices; and

WHEREAS, replacement of life insurance is being carried out continuously despite the admonition to the insured in Rule 44.15.1 that generally it is not to the advantage of the insured to change his or her existing life insurance.

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

1. That the Legislature direct the Banking, Commerce and Insurance Committee to cause an interim study to be conducted on the problems arising from Rule 44.15.1.

2. That the Banking, Commerce and Insurance Committee specifically study the extent of any abuses of the Rule; that the Committee make a determination as to which individuals, groups, or companies most benefit by the use of the Rule and those individuals, groups, or companies most damaged by the use of the Rule; and that the committee examine alternative methods of replacing life insurance.

3. That such committee, upon completion of its study, report its findings to the Legislature, together with any recommendations it develops for legislation or other action.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137.

Introduced by Lewis, 45th District.

WHEREAS, the Public Service Commission is responsible for the regulation of services and rates of select intrastate common carriers and utilities; and

WHEREAS, these responsibilities entail millions of dollars annually in rate charges to the citizens of the State; and

WHEREAS, there is some concern for the consistency and uniformity in the application of the rate determination function; and

WHEREAS, the Legislature and citizens of the State of Nebraska have an overriding and significant interest in the procedures, methods and resources utilized in all rate cases.

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

1. That the Executive Board of the Legislative Council appoint a committee to conduct an interim study of resource needs and the methods and procedures utilized by the Public Service Commission.

2. That the committee is instructed to investigate the following subject relative to funding:

The need for augmenting the contractual services portion of the budget which would provide for the hiring of outside professional consultants for certain rate review cases requiring additional expertise.

3. That the committee is instructed to study the following subjects relative to methods and procedures:

(a) those criteria, factors, or formulae used in determining what constitutes an appropriate rate base and rate of return for the common carrier or utility;

(b) those factors or criteria given due consideration in evaluating whether a given rate determination judgment is justified with respect to the level and adequacy of service being provided by the common carrier or utility; and

(c) any other topics or considerations which would further elucidate the performance of the Public Service Commission in its representation of the public interest.

4. That the committee report its findings together with recommendations, to the next regular session of the Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 138.

Introduced by F. Lewis, 45th District; Fowler, 27th District.

WHEREAS, the Legislature has mandated that all handicapped school age children shall receive appropriate special education; and

WHEREAS, the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped have traditionally provided special education for selected children; and

WHEREAS, analysis must be made of the financial commitments involved in the operation of separate school for children suffering from such disabilities.

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

1. That the Education Committee study the funding of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped.

2. That the Education Committee study the impact of charging school districts for the full cost of education at the state schools.

3. That each committee study the following aspects of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped:

(a) Methods of operation;

(b) Statutory authority; and

(c) Relationship of such schools to the Department of Education.

4. That the Education Committee study the availability and quality of alternative educational programs in the state.

5. That the Education Committee make a report of its findings and any recommendations for legislation to the Eighty-Fifth Legislature, Second Session, 1978.

Referred to the Executive Board.

UNANIMOUS CONSENT—Members Excused

Mr. Merz asked unanimous consent to be excused for the remainder of the day. No objections. So ordered.

Mr. Clark asked unanimous consent to be excused on June 1, 1977. No objections. So ordered.

UNANIMOUS CONSENT—Approve Appointments

Mr. Savage asked unanimous consent to approve the Governor appointments of Robert Cunningham and Catherine Dahlquist found in this day's Journal. No objections. So ordered.

Vote on Robert Cunningham

Voting in the affirmative, 32:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Cope	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Keyes
Koch	F. Lewis	R. Lewis	Luedtke	Maresh
Marvel	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 1:

Chambers

Present and not voting, 5:

DeCamp	Dworak	Lamb	Maxey	Simon

Excused and not voting, 11:

Clark	Cullan	Kahle	Kelly	Kremer
Labedz	Marsh	Merz	Mills	Moylan
Rasmussen				

The Chair declared the appointment confirmed.

Vote on Catherine Dahlquist

Voting in the affirmative, 35:

Barnett	Boughn	Brennan	Burrows	Carsten
Chambers	Cope	DeCamp	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Hefner
Keyes	Koch	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 3:

Bereuter	Fowler	Maxey

Excused and not voting, 11:

Clark	Cullan	Kahle	Kelly	Kremer
Labedz	Marsh	Merz	Mills	Moylan
Rasmussen				

The Chair declared the appointment confirmed.

MOTION—Reinstate Rules

Mr. DeCamp moved to reinstate the Rules.

Mr. Simon moved the previous question. The question is, "Shall the debate now close?" The motion lost with 18 ayes, 18 nays, and 13 not voting.

Mr. Brennan moved to amend the DeCamp motion to reinstate the rules for eleven minutes.

The Chair ruled the amendment out of order.

Mr. DeCamp withdrew his motion.

MOTION—Reconsider Action on LB 532

Mr. DeCamp renewed his pending motion found in this day's Journal to reconsider action on final reading of LB 532 with the emergency clause.

Mr. F. Lewis requested a roll call vote on the motion.

Mr. Warner moved for a Call of the House. The motion prevailed with 26 ayes, 9 nays, and 14 not voting.

Mr. Savage moved to adjourn until June 1, 1977.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 10:

Burrows	Chambers	Hasebroock	Lamb	R. Lewis
Maresh	Murphy	Savage	Stoney	Venditte

Voting in the negative, 23:

Bereuter	Brennan	Carsten	Cope	DeCamp
Duis	Fitzgerald	Fowler	George	Goodrich
Hefner	Koch	F. Lewis	Luedtke	Maresh
Marvel	Newell	Nichol	Reutzel	Rumery
Schmit	Simon	Swigart	Warner	

Present and not voting, 4:

Barnett	Boughn	Dworak	Keyes

Absent and not voting, 1:

Maxey

Excused and not voting, 11:

Clark	Cullan	Kahle	Kelly	Kremer
Labedz	Marsh	Merz	Mills	Moylan
Rasmussen				

The motion lost with 10 ayes, 23 nays, 4 present and not voting, 1 absent and not voting, and 11 excused and not voting.

Mr. Nichol moved to recess until 7:30 p.m.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 14:

Brennan	Burrows	Carsten	Chambers	Dworak
George	Goodrich	Lamb	R. Lewis	Maresh
Murphy	Nichol	Stoney	Venditte	

Voting in the negative, 22:

Barnett	Bereuter	Boughn	Cope	DeCamp
Duis	Fitzgerald	Fowler	Hasebroock	Hefner
Keyes	Koch	F. Lewis	Luedtke	Marvel
Newell	Reutzel	Rumery	Schmit	Simon
Swigart	Warner			

Present and not voting, 1:

Savage

Absent and not voting, 1:

Maxey

Excused and not voting, 11:

Clark	Cullan	Kahle	Kelly	Kremer
Labedz	Marsh	Merz	Mills	Moylan
Rasmussen				

The motion to recess lost with 14 ayes, 22 nays, 1 present and not voting, 1 absent and not voting, and 11 excused and not voting.

Mr. Reutzel moved the Call be raised.

Mr. F. Lewis requested a roll call vote.

Voting in the affirmative, 14:

Brennan	Burrows	Chambers	Dworak	Lamb
R. Lewis	Maresh	Maxey	Murphy	Nichol
Reutzel	Savage	Stoney	Venditte	

Voting in the negative, 24:

Barnett	Bereuter	Boughn	Carsten	Cope
DeCamp	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Keyes	Koch
F. Lewis	Luedtke	Marvel	Newell	Rumery
Schmit	Simon	Swigart	Warner	

Excused and not voting, 11:

Clark	Cullan	Kahle	Kelly	Kremer
Labedz	Marsh	Merz	Mills	Moylan
Rasmussen				

The motion lost with 14 ayes, 24 nays, and 11 excused and not voting.

Mr. Chambers moved to adjourn until 9:00 a.m., June 1, 1977.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 10:

Burrows	Chambers	Hefner	Lamb	R. Lewis
Maresh	Murphy	Reutzel	Stoney	Venditte

Voting in the negative, 27:

Barnett	Bereuter	Boughn	Brennan	Carsten
Cope	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Keyes	Koch
F. Lewis	Luedtke	Marvel	Maxey	Newell
Nichol	Rumery	Savage	Schmit	Simon
Swigart	Warner			

Present and not voting, 1:

Dworak

Excused and not voting, 11:

Clark	Cullan	Kahle	Kelly	Kremer
Labedz	Marsh	Merz	Mills	Moylan
Rasmussen				

The motion lost with 10 ayes, 27 nays, 1 present and not voting, and 11 excused and not voting.

Mr. Chambers moved to recess until 11:48 p.m.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 9:

Burrows	Chambers	Clark	Dworak	Lamb
R. Lewis	Maresh	Murphy	Venditte	

Voting in the negative, 28:

Barnett	Bereuter	Boughn	Carsten	Cope
DeCamp	Duis	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	F. Lewis	Luedtke	Marvel	Moylan
Newell	Nichol	Rumery	Schmit	Simon
Stoney	Swigart	Warner		

Present and not voting, 6:

Brennan	Cullan	Kelly	Maxey	Reutzel
Savage				

Excused and not voting, 6:

Kremer	Labedz	Marsh	Merz	Mills
Rasmussen				

The motion lost with 9 ayes, 28 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Chambers moved to adjourn until 9:00 a.m., June 1, 1977.

The Chair ruled the motion out of order.

Mr. Chambers moved to recess until 9:45 p.m.

The Chair ruled the motion out of order.

Mr. Warner requested the roll call begin on the DeCamp motion to reconsider action on Final Reading of LB 532 with the emergency clause.

Mr. Barnett asked unanimous consent to start the roll call at the back of the alphabet.

Mr. Savage objected.

Voting in the affirmative, 31:

Barnett	Bereuter	Boughn	Brennan	Carsten
Cope	Cullan	DeCamp	Duis	Fitzgerald
Fowler	George	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	F. Lewis	Luedtke
Marvel	Maxey	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Swigart
Warner				

Voting in the negative, 10:

Burrows	Chambers	Clark	Dworak	Lamb
R. Lewis	Maresh	Moylan	Murphy	Stoney

Present and not voting, 3:

Kelly	Kremer	Venditte

Excused and not voting, 5:

Labedz	Marsh	Merz	Mills	Rasmussen

The motion to reconsider lost with 31 ayes, 10 nays, 3 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to adjourn until 9:00 a.m., June 1, 1977.

Mr. DeCamp withdrew his motion.

Mr. Warner challenged the Chair in announcing the vote on the DeCamp motion to reconsider before the Call was raised in accordance with Rule 7, Sec. 5.

The Chair ruled the motion out of order.

Mr. Schmit challenged the ruling of the Chair in announcing the vote on the DeCamp motion.

The Chair ruled the next motion taken up.

Mr. Newell moved to suspend the rules, Rule 7, Sec. 7, to allow the reconsideration of LB 532.

Mr. Chambers moved the Call be raised. The motion lost with 13 ayes, 23 nays, and 13 not voting.

Mr. Simon requested a roll call vote on the Newell motion.

Voting in the affirmative, 26:

Barnett	Bereuter	Boughn	Brennan	Carsten
Cope	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Kahle	Keyes
Koch	F. Lewis	Luedtke	Newell	Nichol
Rumery	Savage	Schmit	Simon	Swigart
Warner				

Voting in the negative, 12:

Burrows	Chambers	Clark	Dworak	Lamb
R. Lewis	Maresh	Moylan	Murphy	Reutzel
Stoney	Venditte			

Present and not voting, 6:

Cullan	Hefner	Kelly	Kremer	Marvel
Maxey				

Excused and not voting, 5:

Labedz	Marsh	Merz	Mills	Rasmussen

The motion lost with 26 ayes, 12 nays, 6 present and not voting, and 5 excused and not voting.

Mr. DeCamp moved to adjourn until 9:00 a.m., June 1, 1977.

Mr. Bereuter requested a roll call vote.

Voting in the affirmative, 14:

Brennan	Burrows	Chambers	Clark	DeCamp
Dworak	Lamb	R. Lewis	Maresh	Moylan
Murphy	Reutzel	Stoney	Venditte	

Voting in the negative, 27:

Barnett	Bereuter	Boughn	Carsten	Cope
Duis	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
F. Lewis	Luedtke	Marvel	Maxey	Newell
Nichol	Rumery	Savage	Schmit	Simon
Swigart	Warner			

Present and not voting, 3:

Cullan	Kelly	Kremer

Excused and not voting, 5:

Labedz	Marsh	Merz	Mills	Rasmussen

The motion lost with 14 ayes, 27 nays, 3 present and not voting, and 5 excused and not voting.

MOTION—Inquiry

Mr. Chambers moved that an inquiry be undertaken to determine who authorized lobbyists to pick up Senator Kelly and whether any improper action was involved.

Motion pending.

Mr. F. Lewis requested a transcript of today's proceedings.

Mr. Chambers asked unanimous consent for the transcript to be inserted in the Journal.

Mr. Luedtke objected.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 533. With Emergency.

A BILL FOR AN ACT to make appropriations for expenses of agencies of higher education for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

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

Voting in the affirmative, 38:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Moylan
Murphy	Nichol	Reutzel	Rumery	Savage
Swigart	Venditte	Warner		

Voting in the negative, 6:

DeCamp	George	Newell	Schmit	Simon
Stoney				

Present and not voting, 1:

Kelly

Excused and not voting, 4:

Labedz	Marsh	Mills	Rasmussen

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 540. With Emergency.

A BILL FOR AN ACT to amend sections 79-1247.07 and 79-1286, Reissue Revised Statutes of Nebraska, 1943, and section 79-1281, Revised Statutes Supplement, 1976, relating to schools; to increase certificate and permit fees; to revise expenditures from the Teachers' Certification Fund; to establish a Professional Practices Commission Fund; to provide for expenditures from the Professional Practices Commission Fund; to provide that fees shall be nonrefundable; 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:

Barnett	Bereuter	Brennan	Burrows	Carsten
Chambers	Clark	Cope	Cullan	DeCamp
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Moylan	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 1:

Newell

Present and not voting, 3:

Boughn	Kelly	Murphy

Excused and not voting, 4:

Labedz	Marsh	Mills	Rasmussen

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. Barnett moved the Call be raised. The motion prevailed with 31 ayes, 6 nays, and 12 not voting.

Mr. DeCamp asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 540A. With Emergency.

A BILL FOR AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 540, Eighty-fifth Legislature, First Session, 1977; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cullan	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Merz	Moylan
Murphy	Nichol	Reutzel	Rumery	Savage
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 0.

Present and not voting, 4:

Cope	Kelly	Newell	Schmit

Excused and not voting, 5:

DeCamp	Labedz	Marsh	Mills	Rasmussen

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 546. With Emergency.

A BILL FOR AN ACT Relating to appropriations; to reaffirm appropriations previously made; to appropriate and reappropriate funds; to amend sections 25 to 27, Legislative Bill 984, Eighty-fourth Legislature, Second Session, 1976; 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:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Duis
Dworak	Fitzgerald	Fowler	George	Goodrich
Hasebroock	Hefner	Kahle	Keyes	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Chambers Kelly

Excused and not voting, 4:

DeCamp Marsh Mills Rasmussen

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 548. With Emergency.

A BILL FOR AN ACT to amend sections 81-907, 81-909, 81-910, 81-911, and 81-912, Reissue Revised Statutes of Nebraska, 1943, relating to state administrative departments; to state legislative intent; to provide duties of the Department of Roads as prescribed; to transfer responsiblity; to provide for a transfer of personnel; to make an appropriation; 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, 43:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Koch
Kremer	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Moylan	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Kelly	Keyes

Excused and not voting, 4:

DeCamp	Marsh	Mills	Rasmussen

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 549. With Emergency.

A BILL FOR AN ACT to make appropriations for capital construction projects; 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Maxey

Merz	Moylan	Murphy	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Venditte	Warner	

Voting in the negative, 0.

Present and not voting, 1:

Kelly

Excused and not voting, 4:

DeCamp	Marsh	Mills	Rasmussen

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: 533, 540, 540A, 546, and 548.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 533, 540, 540A, 546, and 548.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 550. With Emergency.

A BILL FOR AN ACT to make appropriations for the Legislative Council for the period of July 1, 1977, to June 30, 1978; and to declare an emergency.

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

Voting in the affirmative, 41:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Clark	Cope	Cullan	Duis
Dworak	Fitzgerald	Fowler	Goodrich	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer
Labedz	Lamb	F. Lewis	R. Lewis	Luedtke
Maresh	Marvel	Maxey	Moylan	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 2:

George Merz

Present and not voting, 2:

Carsten Kelly

Excused and not voting, 4:

DeCamp Marsh Mills Rasmussen

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 52.

A BILL FOR AN ACT to amend sections 66-410 and 66-428, Revised Statutes Supplement, 1976, as amended by sections 2 and 3, respectively, Legislative Bill 139, Eighty-fifth Legislature, First Session, 1977, relating to motor vehicle fuels; to state legislative intent; to change provisions relating to the use of agricultural alcohol in fuels 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, 43:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes

Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Maxey
Merz	Moylan	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Kelly Murphy

Excused and not voting, 4:

DeCamp Marsh Mills Rasmussen

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

UNANIMOUS CONSENT–Withdraw Amendment to LB 273

Mr. Dworak asked unanimous consent to withdraw his amendment to LB 273 found in the Journal on page 2190. No objections. So ordered.

MOTION–Consider LB 522 Motion

Mr. Warner moved to consider his pending motion found in the Journal on page 2136 to override LB 522.

The motion prevailed with 25 ayes, 4 nays, 16 present and not voting, and 4 excused and not voting.

MOTION–Override Veto on LB 522

Mr. Warner renewed his pending motion found in the Journal on page 2136 that pursuant to the Appropriations Committee's recommendation that LB 522 pass, notwithstanding the objections of the Governor.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 36:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Cope	Cullan	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	F. Lewis	R. Lewis

Luedtke	Maresh	Marvel	Maxey	Murphy
Newell	Nichol	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 5:

Clark	Dworak	George	Labedz	Lamb

Present and not voting, 4:

Duis	Kelly	Merz	Moylan

Excused and not voting, 4:

DeCamp	Marsh	Mills	Rasmussen

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Enrolled

The following bills were correctly enrolled: 52 and 550.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 52 and 550.

EXPLANATION OF VOTE

Had I been present I would have voted "No" on LB 532e, "yes" on LB 52, 543, 533, 531e, 540e, 546e, 548e, 549e, 550e.

(Signed) Jack Mills

MOTION—Reconsider Action on LB 543

Mr. Chambers moved to reconsider action on LB 543 with the emergency clause attached.

The motion prevailed with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Whereupon the 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	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
Duis	Dworak	Fitzgerald	Fowler	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Koch	Kremer	Labedz	Lamb	F. Lewis
R. Lewis	Luedtke	Maresh	Marvel	Maxey
Merz	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Venditte	Warner		

Voting in the negative, 0.

Present and not voting, 2:

Kelly Moylan

Excused and not voting, 4:

DeCamp Marsh Mills Rasmussen

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 bill was correctly enrolled: 549.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 549.

RESOLUTION

LEGISLATIVE RESOLUTION 139.

Introduced by Bereuter, 24th District; Fowler, 27th District.

WHEREAS, the Appropriations Committee of the Eighty-Fourth Legislature conducted an interim study of the Nebraska Public Service Commission; and

WHEREAS, this interim study resulted in the introduction of Legislative Bill 449 to correct deficiencies in the programs, rate setting policies and management of the Public Service Commission; and

WHEREAS, further action on the proposed legislation was deferred until the reconvening of the Eighty-Fifth Legislature in January of 1978;

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

1. That the Appropriations Committee of the Eighty-Fifth Legislature continue its study of the programs and management of the Nebraska Public Service Commission.

2. That the committee is instructed to study the following specific subjects:

(a) the management and organizational relationship among the five commissioners, the Executive Secretary, and Commission staff, with special attention given to the distinctive roles of the Commission in its capacity as regulator, i.e., the executive, legislative and judicial roles;

(b) the need for requiring the Commission to adopt a formal and systematic telephone service monitoring program;

(c) the merits of requiring the Commission to always consider and evaluate concurrently the rates charged and services provided by a given common carrier;

(d) whether the Commission should be required to submit with its annual report information on common carrier performance such as rate of return, return on equity profitability or operating ratios, and variance with Commission or statutory service standards;

(e) whether the adoption of definitions and guidelines for rate making is in the public interest;

(f) the merits of requiring all telephone companies to submit to the Commission for review all plans of improvement and accompanying capital requirements.

3. That, for the purpose of assessing past and recent performance of the Commission, the Committee shall obtain at least the following information:

(a) A list, for the period of July 1, 1976, through July 1, 1977, by date of Commission order, company, and application type, of all telephone rate orders issued affecting a majority of the company's customers, showing:

1. Which of the orders included an evaluation of

a. quality of service

b. the Customer Trouble Report Index

c. commission engineer's on-site inspection

2. Which of the orders permitted in the rate base only that proporty (sic) used and useful in rendering services to the public.

(b) For the most recent telephone company annual reports submitted to the Commission, list for each company:

1. the rate of return allowed in the Commission order then in effect

2. the actual rate of return

3. the return on equity allowed in the Commission order then in effect

4. the actual return on equity

4. That the Committee shall conduct discussions with the Public Service Commission in order to:

(a) identify the general goals and specific objectives of each of the Commission's regulatory programs; and

(b) draw up statements which shall include, where feasible, quantifiable measures of such goals and objectives for eventual use in evaluating progress made toward their achievement; and

(c) identify those operational policies and programs that have been adopted in the pursuit of its stated goals and objectives.

5. That the Appropriations Committee shall report its findings together with recommendations, to the Eighty-Fifth Legislature, Second Session.

Referred to the Executive Board.

MOTION–Suspend Rules

Mr. Warner moved to suspend the rules, Rule 7, Section 7, to reconsider action on LB 532 relative to the requirement of unanimous consent for reconsidering the reconsideration of LB 532.

The motion prevailed with 42 ayes, 1 nay, 3 present and not voting, and 3 excused and not voting.

MOTION–Reconsider Action on LB 532

Mr. Warner moved to reconsider action on LB 532.

Mr. Bereuter moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 5 nays, and 13 not voting.

The Warner motion prevailed with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 543.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 543.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 25, 1977, at 9:25 p.m. were the following bills: 550, 52, 533, 540, 540A, 546, 548, 549, and 543.

(Signed) Emory P. Burnett, Enrolling Clerk

VISITORS

The President introduced 25 students and teacher from Crete, Nebraska.

ADJOURNMENT

At 9:27 p.m., on a motion by Speaker Luedtke, the Legislature adjourned until 9:00 a.m., Wednesday, June 1, 1977.

Vincent D. Brown
Clerk of the Legislature

NINETIETH DAY—JUNE 1, 1977

LEGISLATIVE JOURNAL

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, June 1, 1977

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Whelan presiding.

PRAYER

The prayer was offered by the Chaplain.

> Dear Lord, An honest prayer some of us might make this morning is simply, "Thank God its over!" These many weeks have been such a drain on so many of us, taking us away from responsibilities and loved ones elsewhere, and demanding so much of us. The memory of our last working day is still fresh in our minds, and some of us hope there will never be another one like it, even though it was a record day!
>
> On the other hand, Lord, we are also grateful for these past months and for all the good that has been accomplished. May our decisions be for the benefit of the people of this state. Continue during the interim to give vision, courage, and integrity to each of the Senators. Bless them, their families and loved ones, till we meet again. Be with our Governor and Lieutenant Governor, the various officers and servants of this Legislature. May the people of this state, who often hear only the unusual things which occur in this room, appreciate the ability and dedication of this Legislature. Implant again upon our minds the truth that greatness is found in serving, and success in helpfulness. May this Legislature continue to love you, their God, and serve all the people. In our Lord's name. Amen.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the Eighty-Ninth Day was approved.

COMMUNICATION ON LB 522

May 26, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 522 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 522 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 522 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 May, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

MESSAGE FROM THE SECRETARY OF STATE

May 26, 1977

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

RE: LB 522, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on May 26, 1977 at 11:07 A.M., LB 522. Along with LB 522, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald T. Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 522 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 May, 1977."

Further, I hereby acknowledge that LB 522, cover letter, certificate and copy of the Governor's veto message have all been filed in this office as a matter of record on the day and hour stated above.

Very truly yours,

(Signed) Allen J. Beermann
Secretary of State

MESSAGE FROM THE GOVERNOR

May 27, 1977

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

Dear Mr. President and Senators:

I hereby return LB 46 without my signature and with my objections.

I have vetoed LB 46 for the same reasons that I vetoed LB 45 on April 26, 1977. You should sustain my action on LB 46 as you did with LB 45.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah2
Enclosure
Veto on LB 45 found in the Journal on page 1635.

ATTORNEY GENERAL'S OPINION

Opinion No. 105
May 27, 1977

Dear Senator Koch:

You have requested that we answer certain questions which are relevant to LB 33 recently passed by the Legislature. Your first question is:

> "Does the language of LB 33 require that $20 million dollars be raised by taxation?"

LB 33, subsection 4 of section 7, provides in part:

> "There is hereby appropriated twenty million dollars from the General Fund for the period July 1, 1977, to June 30, 1978, to the School Foundation and Equalization Fund, State Department of Education, Agency No. 13 for Program 143. . . ."

The requirement of this section of LB 33 is that twenty million dollars be transferred from the General Fund to the School Foundation and Equalization Fund. Without going into specific detail as to all of the types of money that flow into the General Fund, it maybe said that the General Fund is raised by taxation.

Section 77-2715.01(1) (d) provides in part:

> ". . . The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations as certified as provided in subdivision (a) of this subsection."

Thus, the twenty million dollars provided for in LB 33 must come from the General Fund. The General Fund must be at a level which will insure the state's ability to meet its obligations. To the extent that the provisions of LB 33 deplete the General Fund, the General Fund would have to be restored to a point where it would comply with total appropriations and express obligations. In making a determination on the tax rates, the Board of Equalization and Assessment would of necessity take these matters into consideration.

Your second question is:

> "Can the Governor reduce an item of appropriation below his budget recommendation?"

There are two provisions of the Constitution which relate to the Governor's reduction of an item of appropriation. Article IV, Section 7, provides in part:

> "... 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."

This language is a limitation on the authority of the Legislature to enact appropriations bills above the sums recommended by the Governor in his budget message sent to the Legislature as required by Article VII, Section 4, of the Constitution.

Article IV, Section 15, of the Constitution provides in part:

> "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 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 objections as a whole, or proceed to reconsider individually the item or items disapproved or reduced. . . ."

Article IV, Section 15, contains no limitation upon the authority of the Governor to reduce items of appropriation. As the language of the two provisions of the Constitution are complementary and not at odds, we may generally say that Article IV, Section 7, is a limitation on the authority of the Legislature to appropriate and Article IV, Section 15, is a grant of authority to the Governor to reduce item or items of appropriation.

Thus, in answering your question, it is our opinion that the Governor may utilize his line item veto to reduce items of appropriation to an amount less than that he recommended in his budget.

Very truly yours,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:ejg
cc Mr. Vincent D. Brown
Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

May 27, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 131, 309, 309A, 542, 545, and 547, and Reengrossed Legislative Bill No. 518.

These bills were signed by me on May 27, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

May 27, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 204 and 204A.

These bills were signed by me on May 27, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

May 30, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received LB 220.

This bill was signed by me on May 30, 1977 and delivered to the Secretary of State.

Very truly yours,
(Signed) J. James Exon
Governor

JJE:f

MOTION–Override Veto on LB 46

Mr. Murphy moved that notwithstanding the objection of the Governor, I move to override the veto of LB 46.

Motion pending.

MESSAGES FROM THE GOVERNOR

May 31, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 531, with my signature but with my specific line-item veto.

The increase of two probation officers and two clerks for the Probation System does not reflect an increase in probation services, but merely provides for the supplanting of local funds with State General Fund monies. This increase in appropriation reflects a piecemeal approach of having the State further assume liabilities created by local units of government.

Because I do not see any increase in services emanating from the increased General Fund, I am vetoing $33,300 for the two probation officers and two clerks from the District Courts appropriation for fiscal year 1977-78.

Yours very truly,
(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 539, with my signature but with my specific objections.

I have eliminated the earmarking of funds for the Department of Corrections' Correctional Improvement Program without, however, reducing the total amount of funds appropriated to the program.

The Department, in conjunction with the program evaluation teams, should have an opportunity to evaluate all of the program areas specified in LB 539 and allocate resources according to these evaluations. Earmarking before these evaluations can take place is premature, inappropriate, and will place a straightjacket on effective administration.

It should be noted that the total appropriation is not being reduced, only the earmarks are being eliminated.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 540A, without my signature and with my objections.

This bill would appropriate $30,000 from the General Fund for the costs of administering teacher certification and professional practices programs. Such functions, I believe, are the proper responsibility of the teaching profession and not the state taxpayers. Other professions pay their own way for similar services, and teachers should do likewise. To fund such a program from the General Fund would set a poor precedent.

Yours truly,

(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 546 with my signature, but with my specific line-item vetoes because the appropriation is not needed next year.

In total, I am reducing General Fund obligations for the present year by $2,700,000 which constitutes medium-minimum construction monies which cannot be spent in the 1977-78 fiscal year.

Because of energy and population consideration, the Lancaster County medium-minimum project has not progressed to the point of requiring all the funds appropriated for fiscal year 1978. In view of the demands on state resources, I am proposing that this $2,700,000 from the State Building Fund be removed from the 1976-77 fiscal period and restored in the 1978-79 fiscal period. My recommendation for fiscal year 1979 will include this item.

I urge your sustaining my veto as outlined.

Sincerely,
(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

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

Dear Mr. President and Senators:

I return herewith LB 549 with my signature, but with the following line-item vetoes.

Department of Corrections--While penal reform has always been a top priority of this administration, your action on the Maximum Security facility necessitates my veto of $1,693,539 ($500,000 for next fiscal year and $1,193,539 for the second year) contained in Section 34 of LB 549. Your decisions have relegated our penal construction plans to the point that it is unworkable as a plan, would create more problems than it solves and cannot be accepted by the Penal Complex officials. Your decision to

partially fund only one component of the total renovation project emasculates the concept of a master plan for capital construction. Furthermore, your decision will inevitably result in a random placement of buildings within the Maximum Security facility and destroy program continuity while not providing the relief from overcrowding that is so necessary.

Therefore, I am directing the Department of Corrections to continue with their planning of a Maximum Security facility that will adequately meet the needs of both present and future populations. At the same time, the Department will actively proceed with developing alternative programs to alleviate the current overcrowding problems and continue with the penal reform program initiated jointly by your body and the Governor several years ago. You have broken that commitment and, therefore, we are required to start all over on an acceptable funding program next year. I reject a penal program based on a piecemeal approach. It won't work.

University of Nebraska at Omaha--Nebraska will soon receive $3.2 million of new Public Works funds which will be available for new construction projects. In view of this new source of funds, I am revising my recommendation for the Health, Physical Education, and Recreation Building at UNO. I am recommending that the HPER building be funded for a total project cost of $6,900,000, including planning funds, construction costs and equipment, to be comprised of $3,200,000 of Public Works funds for fiscal year 1977-78, $2,500,000 of Revenue Sharing funds and $300,000 of Capital Construction funds for fiscal year 1978-79, and $674,000 Capital Construction funds for fiscal year 1979-80. If you accept my recommendation, I will direct the expenditures of the Public Works money to the HPER building as soon as the funds become available, on approximately Septemeber 1, 1977. This represents a net savings of approximately $400,000 on total projects costs.

University of Nebraska--I have also line-item vetoed four capital construction projects at the University. The largest reduction is in Program 913, campus utilities. I have reduced the 1977-78 appropriation by $723,275 from the State Building Fund. This leaves $672,725 available to make utility improvements which are necessary for the upcoming year in order to provide services to newly constructed buildings and for energy savings. I have reduced only those items which are not essential for the upcoming fiscal year. My recommendations leave untouched all appropriations for fire safety improvements.

The other three reductions consist of miscellaneous renovations, from $250,000 to $150,000, program statement funds of $25,000 for an architectural complex, and program statement funds of $15,000 for a theater arts facility.

Nebraska State Historical Society--I have eliminated the $160,000 appropriation for the planning of the Nebraska State Historical Society's Heritage Center. In view of your apparent interest in establishing a joint

committee to identify a systematic procedure for the acquisition of property in the capitol environs, it seems most logical to postpone this proposed planning expenditure. The joint committee's recommendations could be made early in the next legislative session, taking the proposed Heritage Center into consideration. This postponement should avoid any unnecessary expenditure of the taxpayers' dollars for planning purposes without the benefit of the joint committee's recommendations.

I urge your sustaining of the above-listed vetoes.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 550, with my signature but with my specific line-item vetoes.

In total, my reductions in this bill are $587,200 consisting of the following:

Program 126 - Legislative Research Services--I have reduced the appropriation by $31,000 which had been designated to improve the public image of the Legislature. Inasmuch as this was not a program designed in my original recommendation, I do not feel we are in a financial climate to justify this type of expenditure.

Program 501 - Committee on Intergovernmental Cooperation--I have reduced the appropriation by $30,000 from the money budgeted for travel to a level of $75,000 which is a more reasonable level of appropriation for legislative travel.

Program 638 - Fiscal and Program Analysis--I have reduced the appropriation by $26,200 to $382,461 which was my original recommendation. This still leaves $130,000 more than the appropriation for the DAS budget staff, and I believe this to be a reasonable figure which is generous by any measurement.

Program 901 - Reappropriation of approximately $500,000 from Program 121. I am reducing this appropriation to maintain budget and program control of capitol renovation with the Building Division within the Department of Administrative Services. This is an old and historic building, and it is best that one agency coordinate all planning and renovation.

I urge your sustaining my vetoes as outlined.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bills Nos. 220A, 509, 533, 540, 543, 548, and Reengrossed Legislative Bills No. 346, 530, and 537.

These bills were signed by me on May 31, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:ah

May 31, 1977

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

Dear Mr. President and Senators:

Your body has passed LB 52 by an overwhelming vote of 43-0, and it is therefore clear that the Legislature strongly favors this measure.

I too have been and remain a supporter of the Gasohol concept, especially in these times of energy shortages and low prices for grains. It is hoped that the concept can be helpful in partially rectifying these two problems.

There have been questions raised by responsible individuals and some farm organizations about the economic feasibility of the project, and there also remains an unanswered question as to how many millions of dollars in state and Federal subsidies might be required to make the concept workable.

There is also the concern as to whether or not the employment of ethanol, derived from grain as a gasoline extender, can be successful in the long term without depressed and distressed grain prices, a condition we want to avoid.

We certainly need, as I have suggested previously, a thorough and independent marketing feasibility study on Nebraska's efforts in addition to the work in this area thus far conducted here.

Therefore, this is to advise your body that I have allowed LB 52 to become law without my signature so that I will be in a better position to continue my efforts for more concrete and independent information on this subject that is important to our further efforts.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

June 1, 1977

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

Dear Mr. President and Senators:

I am writing in regard to LB 532, the mainline appropriation bill, which is currently before you awaiting your action.

Many legislative games have been played with the bill during the past week, and I have become aware of further possible parliamentary maneuvering for today. There may be plans to attempt to return LB 532 to Select File today to separate out the $20 million appropriated therein to cover the costs of LB 33. If this happens, you could not possibly complete your work today. Such action, of course, would force the Legislature to gather 40 votes to extend the session or, failing that, you would be forcing the Governor to call the Legislature back into special session in order to pass the appropriations contained in LB 532. This possible contemplated action can only be planned in order to provide the Legislature with still another opportunity to override my promised veto of this additional $20 million. You have had five months to pass this legislation without success. I think it is a little unfair to maneuver for even more time to accomplish those ends.

The proponents of LB 33 have made several questionable maneuvers in their desperate attempt to mandate a raise in the state sales tax. They shut off debate on the motion to override the Governor's veto of LB 33 so that

the opponents of LB 33 would not have an opportunity to debate. They attempted to maneuver LB 33 and its appropriation in such a manner to prevent the people of this state from exercising their legitimate constitutional right to a referendum. Now, they are considering an attempt to force the Legislature into extending the session.

The time for playing games is over. There is no reason for the Legislature to extend the current session, nor to have me call them into special session in order to override any veto of any bill, including LB 532, presently awaiting your action. By this letter I am informing your body that I will return today, the final 90th day of the Legislative session, any bill which your body passes within two hours of its delivery to me. This will allow the Legislature the opportunity to exercise its override prerogatives on every piece of legislation before it. I urge you to complete action today on LB 532 and the other bills before you, and I will return any bills to which I disagree within the timetable indicated above.

I make this offer in good faith in an attempt to end the game playing and conclude the session within the constitutional 90-day period.

If my line-item veto of the $20 million is sustained, it is our interpretation of LB 33 that the $55 million appropriated to the School Foundation and Equalization Fund will be distributed in the following manner:

First, monies would be allocated to each school district to assure that each would receive at least the same funds on a per pupil ADM basis as they received in fiscal year 1976-77 from the School Foundation and Equalization Fund. Any monies remaining in the Fund after the above calculation would then be distributed pursuant to the formula contained in LB 33 (50% to Foundation and 50% to Equalization). We have discussed this matter with the Attorney General, and he has told us that the above is a valid interpretation of LB 33. I provide this analysis for your further information.

If you pass LB 532 as before you, I will veto the $20 million in state aid and thereby eliminate the need to raise the sales tax for this purpose. I will exercise this veto by striking $20 million of the current $55 million in state aid, which coupled with the $20 million you have already appropriated in LB 33 leaves total state aid at $55 million. This veto will be exercised in such a manner as to eliminate any need to raise the sales tax unless you override the veto. If you subsequently today override my veto, the total state aid will go to $75 million and the sales tax will be mandated by the Legislature to rise accordingly.

Lastly, it is not true, as stated by some, that the Omaha and Lincoln districts will lose funds if my veto is sustained. It is true that some smaller districts, under the formula passed by the Legislature, may lose some small amounts. If necessary, I will introduce legislation in the next session in January, 1978, to insure that no district shall receive less funds on an average daily membership basis than it is receiving in the current year.

Yours very truly,

(Signed) J. James Exon

Governor

JJE:ah

ANNOUNCEMENT

Mr. Savage announced a meeting of the Committee on Committees during the recess this morning.

RECESS

At 9:21 a.m., on a motion by Speaker Luedtke, the Legislature recessed for one hour.

AFTER RECESS

The Legislature reconvened at 10:21 a.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused.

MOTION–Override Veto on LB 38

Mr. Barnett renewed his pending motion found in the Journal on page 2197 to override the Governor's veto on LB 38.

Mr. Fowler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 4 nays, and 11 not voting.

Mr. DeCamp requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Barnett	Bereuter	Boughn	Carsten	Chambers
Cope	DeCamp	Dworak	Fowler	George
Goodrich	Hefner	Kahle	Keyes	Koch
Kremer	F. Lewis	Luedtke	Marsh	Marvel
Maxey	Merz	Murphy	Newell	Nichol
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 15:

Brennan	Burrows	Clark	Cullan	Duis
Fitzgerald	Hasebroock	Labedz	Lamb	R. Lewis
Maresh	Mills	Moylan	Rasmussen	Venditte

Excused and not voting, 1:

Kelly

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION—Override LB 38A

Mr. Barnett renewed his pending motion found in the Journal on page 2197 to override the Governor's Veto on LB 38A.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	DeCamp	Dworak	Fowler
George	Hefner	Kahle	Koch	Kremer
F. Lewis	Luedtke	Marsh	Marvel	Maxey
Merz	Murphy	Newell	Nichol	Reutzel
Rumery	Savage	Schmit	Simon	Stoney
Swigart	Warner			

Voting in the negative, 15:

Burrows	Clark	Cullan	Duis	Fitzgerald
Hasebroock	Keyes	Labedz	Lamb	R. Lewis
Maresh	Mills	Moylan	Rasmussen	Venditte

Present and not voting, 1:

Goodrich

Excused and not voting, 1:

Kelly

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 39

Mr. Barnett renewed his pending motion found in the Journal on page 2197 to override the Governor's veto on LB 39.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?'"

Voting in the affirmative, 34:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	DeCamp	Dworak	Fowler
George	Goodrich	Hefner	Kahle	Keyes
Koch	Kremer	F. Lewis	Luedtke	Marsh
Marvel	Maxey	Merz	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 14:

Burrows	Clark	Cullan	Duis	Fitzgerald
Hasebroock	Labedz	Lamb	R. Lewis	Maresh
Mills	Moylan	Rasmussen	Venditte	

Excused and not voting, 1:

Kelly

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 40

Mr. Barnett renewed his pending motion found in the Journal on page 2197 to override the Governor's veto on LB 40.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	DeCamp	Dworak	Fowler
George	Goodrich	Hefner	Kahle	Keyes
Koch	Kremer	F. Lewis	Luedtke	Marsh
Marvel	Maxey	Merz	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 14:

Burrows	Clark	Cullan	Duis	Fitzgerald
Hasebroock	Labedz	Lamb	R. Lewis	Maresh
Mills	Moylan	Rasmussen	Venditte	

Excused and not voting, 1:

Kelly

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 41

Mr. Barnett renewed his pending motion found in the Journal on page 2198 to override the Governor's veto on LB 41.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	DeCamp	Dworak	Fowler
George	Goodrich	Hefner	Kahle	Keyes
Koch	Kremer	F. Lewis	Luedtke	Marsh
Marvel	Maxey	Merz	Murphy	Newell
Nichol	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 14:

Burrows	Clark	Cullan	Duis	Fitzgerald
Hasebroock	Labedz	Lamb	R. Lewis	Maresh
Mills	Moylan	Rasmussen	Venditte	

Excused and not voting, 1:

Kelly

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 46

Mr. Murphy renewed his pending motion found in this day's Journal to override the Governor's veto on LB 46.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Barnett	Bereuter	Boughn	Burrows	Carsten
Clark	Cope	DeCamp	Dworak	Fitzgerald
Fowler	George	Hasebroock	Hefner	Kahle
Keyes	Koch	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marvel	Maxey	Merz
Murphy	Nichol	Rasmussen	Reutzel	Schmit
Simon	Stoney	Swigart	Venditte	Warner

Voting in the negative, 13:

Brennan	Chambers	Cullan	Duis	Goodrich
Kremer	Labedz	Marsh	Mills	Moylan
Newell	Rumery	Savage		

Excused and not voting, 1:

Kelly

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 539

Mr. Warner moved to override the Governor's line-item veto on LB 539.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 32:

Barnett	Bereuter	Boughn	Burrows	Cope
Cullan	DeCamp	Dworak	Fowler	Hasebroock
Hefner	Koch	Lamb	F. Lewis	R. Lewis
Luedtke	Marsh	Marvel	Maxey	Mills
Murphy	Newell	Nichol	Rasmussen	Rumery
Savage	Schmit	Simon	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 12:

Brennan	Clark	Duis	Fitzgerald	George
Goodrich	Kahle	Kremer	Labedz	Maresh
Moylan	Reutzel			

Present and not voting, 4:

Carsten	Chambers	Keyes	Merz

Excused and not voting, 1:

Kelly

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 550

Mr. Warner moved to override the Governor's line-item veto on LB 550.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 37:

Barnett	Bereuter	Boughn	Brennan	Burrows
Chambers	Clark	Cope	Cullan	Fitzgerald
Fowler	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	Kremer	F. Lewis	R. Lewis
Luedtke	Marsh	Marvel	Maxey	Merz
Mills	Moylan	Murphy	Newell	Nichol
Rumery	Savage	Schmit	Simon	Swigart
Venditte	Warner			

Voting in the negative, 8:

Dworak	George	Labedz	Lamb	Maresh
Rasmussen	Reutzel	Stoney		

Present and not voting, 3:

Carsten	DeCamp	Duis

Excused and not voting, 1:

Kelly

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTION–Approve Appointment

Mr. Marvel renewed his pending motion found in the Journal on page 2222 to reaffirm the appointment of Mr. Murrell McNeil, Ombudsman.

The motion prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

UNANIMOUS CONSENT–Withdraw Request on LB 4

Mr. Barnett asked unanimous consent to withdraw his request to hold LB 4. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 4.

REPORT OF EXECUTIVE BOARD

The following legislative resolutions were approved by the Executive Board and referred to the indicated committees for study during the 1977-78 interim:

Committee on Appropriations

LR 137 – Resource needs and the methods and procedures utilized by the Public Service Commission. (F. Lewis)

LR 139 – Programs and Management of the Public Service Commission. (Bereuter, Fowler)

Committee on Banking, Commerce and Insurance

LR 136 – Minimum acts and practices which an insurance company may engage in when replacing life insurance policies. (F. Lewis)

Committee on Education

LR 135 – Employment and dismissal of teachers and administrators in Nebraska's system of public education. (F. Lewis)

LR 138 – Funding of the Nebraska School for the Deaf and the Nebraska School for the Visually Handicapped. (F. Lewis, Fowler)

Committee on Judiciary

LR 140 – Practice of lawyers outside Nebraska using nonlicensed representatives within Nebraska. (DeCamp)

(Signed) Marvel, Chairman, R. Lewis, Mills, Nichol, Fowler, Savage, Stoney, Bereuter, Luedtke.

ANNOUNCEMENT

Mr. Warner announced the Appropriations Committee will meet at 1:30 p.m., June 1, 1977, in Room 1003.

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1977

Honorable Speaker and Members of the Legislature
Eighty-fifth Legislature, First Session
Nebraska Unicameral Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Speaker and Members assembled:

Please be advised that Legislative Bill 52 has become law without the signature of the Governor.

Attached is my certification that Legislative Bill 52 remained with the Governor five days, Sunday excepted, and that the Governor failed to veto the bill and failed to sign the bill. Said bill has become law under the provisions as set forth in the Constitution.

Respectfully submitted,

(Signed) ALLEN J. BEERMANN
Secretary of State

Enclosure

CERTIFICATE
LEGISLATIVE BILL 52

This bill having remained with the Governor five days, Sunday excepted, the Legislature being in session, the Governor having failed to sign said bill, the Governor having failed to return this bill to the Legislature during its session, it has thereby become a law.

Witness my hand this first day of June, 1977, A.D.

(SEAL)

(Signed) ALLEN J. BEERMANN
Secretary of State

RESOLUTION

LEGISLATIVE RESOLUTION 140.

Introduced by DeCamp, 40th District.

WHEREAS, the practice of law in the State of Nebraska is and should be practiced on the highest plane and under the control and supervision of appropriate judicial authorities in Nebraska; and

WHEREAS, lawyers practicing within the State of Nebraska must pass an extensive bar examination and be subject to the close scrutiny and ethics of the Nebraska Supreme Court and the Nebraska State Bar Association; and

WHEREAS, information presented to the Judiciary Committee indicates that lawyers outside the State of Nebraska may be committing acts colloquially identified as "ambulance chasing", through the use of nonlicensed representatives who purportedly "investigate" but who in reality operate as solicitors, are operating within the State of Nebraska and are not subject to the Nebraska authorities; and

WHEREAS, such practice, if occurring, is a detriment to the prestige and effectiveness of the legal profession within the State of Nebraska, a restraint on trade and a detriment to the citizens of Nebraska.

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

1. That the Judiciary Committee conduct an inquiry into these practices and that the Nebraska Legislaure's Judiciary Committee obtain information as required to stop any such practices of "ambulance chasing" if they do, in fact, exist.

2. That the results of such inquiry be reported to the next regular session of the Legislature.

Referred to the Executive Board.

REPORT OF COMMITTEE ON COMMITTEES

June 1, 1977

TO: MEMBERS OF THE LEGISLATURE
FROM: SENATOR JOHN S. SAVAGE, CHAIRMAN
COMMITTEE ON COMMITTEES

The following committee appointments have been changed as of this date placing Senator William Brennan on the Banking, Commerce and Insurance Committee replacing Senator Swigart.

Senator Samuel K. Cullan will be placed on the Public Works Committee formerly held by Senator Swigart.

In addition Senator Cullan will take Senator Brennan's place on the Public Health and Welfare Committee.

Vote For	11 votes
Against	1 vote
Not Voting	1 vote

(Signed) John S. Savage, Chairman

Mr. Savage moved the adoption of the report. The motion prevailed with 33 ayes, 3 nays, 12 present and not voting, and 1 excused and not voting.

COMMUNICATIONS ON LB 38

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 38 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 38 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 38 having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutitonal majority, it has become law this 1st day of June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 38A

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 38A with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 38A notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 38A 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 39

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 39 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 39 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 39 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 40

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 40 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 40 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 40 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 41

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 41 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 41 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 41 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 46

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 46 with a Cerfificate attached thereto signed by the President of the Legislature, certifying the passage of LB 46 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 46 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 539

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 539 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 539 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 539 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 550

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 550 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 550 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 550 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

ANNOUNCEMENT

Mr. Marvel announced an Executive Board meeting in room 2102 at 9:00 a.m. on June 2, 1977.

RESOLUTIONS

LEGISLATIVE RESOLUTION 48. Mr. Merz asked unanimous consent to withdraw LR 48. No objections. So ordered.

LEGISLATIVE RESOLUTION 96. Read and Considered.

LR 96 was adopted with 28 ayes, 1 nay, 19 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 121. Read and Considered.

LR 121 was adopted with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 122. Read and Considered.

LR 122 was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 124. Read and Considered.

LR 124 was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 125. Read and Considered.

LR 125 was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 128. Referred to the Executive Board.

LEGISLATIVE RESOLUTION 132. Referred to the Executive Board.

LEGISLATIVE RESOLUTION 130. Read and Considered.

LR 130 was adopted with 28 ayes, 5 nays, 15 present and not voting, and 1 excused and not voting.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 1977 at 11:50 a.m. was the following bill: 4.

(Signed) Barbara Jackson, Enrolling Clerk

VISITORS

The President introduced 40 5th grade students, teachers and sponsors from Meadows Elementary School, Ralston; 5 daughters of Senator Brennan.

RECESS

At 12:02 p.m., on a motion by Speaker Luedtke, 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 Mr. Kelly who was excused; and the Appropriations Committee who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

June 1, 1977

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

Dear Mr. President and Senators:

I hereby return LB 4 without my signature and with my objections.

LB 4 would eliminate the requirement that lobbyists keep receipts of those expenditures for food and drink in an amount less than $25.00. Contrary to what may be the feelings of some, $25.00 is not a small figure, and it is my belief that lobbyists should be required to keep records and receipts on these types of lobbying expenditures and make them available at request to the Political Disclosure and Accountability Commission. There may be an amount below which records are impractical to keep, possibly $1.00, but $25.00 is far too high. Actually, the law should read that lobbyists must report how much was spent on "lobbying" each official. It should be made clear to the public that this is not the case.

I recommended to the Legislature this session a bill which would have strengthened the Sunshine Law by eliminating a conflict of interest on the Sunshine Commission. My recommendation was that the Governor and the Secretary of State who are subject to the provisions of the Sunshine Act be removed from serving on the Commission.

Not only did the Legislature not adopt my proposal to strengthen the bill, you are now attempting to weaken it. The Sunshine Act is a good concept, and we should allow it an opportunity to function without authorizing "escape mechanisms" for complete auditing should that ever be necessary.

Yours truly,

(Signed) J. James Exon
Governor

JJE:fw

RESOLUTIONS

LEGISLATIVE RESOLUTION 102. Read and considered.

Mr. Chambers offered the following amendment:
Strike all language in the
First, Second and Fourth "WHEREASES".
Strike Third "WHEREAS", and insert:
"the Republic of China is a desirable trade partner of America; and"

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chambers amendment lost with 9 ayes, 18 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
In Paragraph Four, after "Free World", add; "the term 'Free World' is a political term of art and does not have any reference to personal freedom or human rights."

Mr. F. Lewis 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 Chambers amendment lost with 6 ayes, 15 nays, 27 present and not voting, and 1 excused and not voting.

Mr. Chambers offered the following amendment:
Insert a New Resolve No. 2:
"Nothing in this Resolution shall be construed to have the direct or indirect intent or purpose of impeding, delaying or discouraging the 'normalization' of diplomatic and trade relations between the United States and the People's Republic of China".

Mr. Cullan moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay and 22 not voting.

The Chambers amendment lost with 6 ayes, 16 nays, 26 present and not voting, and 1 excused and not voting.

Mr. Chambers moved to indefinitely postpone LR 102.

Mr. Cullan 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 motion to indefinitely postpone LR 102 lost with 7 ayes, 21 nays, 20 present and not voting, and 1 excused and not voting.

Mr. F. Lewis 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. DeCamp moved for a Call of the House. The motion prevailed with 24 ayes, 9 nays, and 16 not voting.

Mr. F. Lewis moved the Call be raised. The motion prevailed with 18 ayes, 4 nays, and 27 not voting.

Mr. Chambers requested a record vote on the adoption of LR 102.

Voting in the affirmative, 25:

Boughn	Cope	DeCamp	George	Hasebroock
Hefner	Kahle	Koch	Kremer	Labedz
Lamb	F. Lewis	Luedtke	Maresh	Marsh
Merz	Moylan	Murphy	Rasmussen	Reutzel
Rumery	Schmit	Stoney	Swigart	Venditte

Voting in the negative, 8:

Brennan	Burrows	Chambers	Clark	Cullan
Fowler	Newell	Warner		

Present and not voting, 15:

Barnett	Bereuter	Carsten	Duis	Dworak
Fitzgerald	Goodrich	Keyes	R. Lewis	Marvel
Maxey	Mills	Nichol	Savage	Simon

Excused and not voting, 1:

Kelly

LR 102 was adopted with 25 ayes, 8 nays, 15 present and not voting, and 1 excused and not voting.

VISITOR

Mr. Marvel introduced Dr. William Thompson, retired professor from the Omaha University.

MESSAGES FROM THE SECRETARY OF STATE

June 1, 1977

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

RE: LB 38, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 11:59 A.M., LB 38. Along with LB 38, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 38 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 June, 1977."

Further, I hereby acknowledge that LB 38, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 38A, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 11:59 A.M., LB 38A. Along with LB 38A, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 38A 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 June, 1977."

Further, I hereby acknowledge that LB 38A, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 39, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 11:59 A.M., LB 39. Along with LB 39, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 39 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 June, 1977."

Further, I hereby acknowledge that LB 39, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 40, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 11:59 A.M., LB 40. Along with LB 40, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 40 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 June, 1977."

Further, I hereby acknowledge that LB 40, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 41, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 12:00 (noon) P.M., LB 41. Along with LB41, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 41 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 June, 1977."

Further, I hereby acknowledge that LB 41, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 46, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 12:00 (noon) P.M., LB 46. Along with LB 46, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 46 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 June, 1977."

Further, I hereby acknowledge that LB 46, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 539, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 12:01 P.M., LB 539. Along with LB539, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 539 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 June, 1977."

Further, I hereby acknowledge that LB539, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 1, 1977

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

RE: LB 550, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 12:01 P.M., LB550. Along with LB 550, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 550 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 June, 1977."

Further, I hereby acknowledge that LB 550, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

UNANIMOUS CONSENT—LR 132

Mr. Schmit asked unanimous consent to consider LR 132 instead of being referred to the Executive Board. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 132. Read and considered.

LR 132 was adopted was 28 ayes, 0 nays, 20 present and not voting, and 1 excused and not voting.

LEGISLATIVE RESOLUTION 141.

Introduced by Fowler, 27th District; Dworak, 22nd District; DeCamp, 40th District; Schmit, 23rd District; Chambers, 11th District.

WHEREAS, the proper and effective enforcement of the criminal statutes are in the best interests of the citizens of this state.

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

1. That the Executive Board create a select committee to review the operations of the Criminal and Drug Divisions in the Nebraska State Patrol. Membership of such select committee shall be composed of two members from the Committee on Appropriations, three members of the Judiciary Committee, and three members from the Legislature at-large.

Referred to the Executive Board.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 532. Mr. Warner moved to reconsider action on LB 532 on Final Reading to add the emergency clause.

The motion prevailed with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and 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?' "

Voting in the affirmative, 46:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Chambers	Clark	Cope	Cullan
DeCamp	Duis	Dworak	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Koch	Labedz	Lamb	F. Lewis	R. Lewis
Luedtke	Maresh	Marsh	Marvel	Maxey

Merz	Mills	Moylan	Murphy	Newell
Nichol	Rasmussen	Reutzel	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 0.

Present and not voting, 2:

Keyes	Kremer

Excused and not voting, 1:

Kelly

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 273. With Emergency.

A BILL FOR AN ACT relating to crimes and punishment; to make it a crime to accept for a fee, directly or indirectly, anything of value to be wagered, transmitted, or delivered for wager in any pari-mutuel or certificate system of wagering on horse races; 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?' "

Mr. Savage requested a roll call vote.

Voting in the affirmative, 31:

Bereuter	Carsten	Clark	Cope	Cullan
Duis	Fitzgerald	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Labedz	Lamb
F. Lewis	Maresh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Venditte
Warner				

Voting in the negative, 13:

Barnett	Boughn	Brennan	Chambers	Dworak
Fowler	Kremer	R. Lewis	Luedtke	Marsh
Merz	Newell	Reutzel		

Present and not voting, 4:

Burrows	DeCamp	George	Maxey

Excused and not voting, 1:

Kelly

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed with the emergency clause attached.

Mr. Chambers moved to recommit LB 273 to the Miscellaneous Subjects Committee.

Mr. Savage moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 30 ayes, 2 nays, and 17 not voting.

The Chambers motion to recommit LB 273 lost with 13 ayes, 24 nays, 11 present and not voting, and 1 excused and not voting.

Mr. Kremer moved to reconsider action on LB 273 on Final Reading with the emergency clause attached.

Mr. Kremer requested a roll call vote.

Voting in the affirmative, 31:

Bereuter	Boughn	Carsten	Clark	Cope
Cullan	Duis	Goodrich	Hasebroock	Hefner
Kahle	Keyes	Koch	Kremer	Labedz
Lamb	F. Lewis	Maresh	Marvel	Mills
Moylan	Murphy	Nichol	Rasmussen	Rumery
Savage	Schmit	Simon	Swigart	Venditte
Warner				

Voting in the negative, 10:

Barnett	Brennan	Chambers	Dworak	Fowler
R. Lewis	Luedtke	Marsh	Newell	Reutzel

Present and not voting, 7:

Burrows	DeCamp	Fitzgerald	George	Maxey
Merz	Stoney			

Excused and not voting, 1:

Kelly

The motion to reconsider action lost with 31 ayes, 10 nays, 7 present and not voting, and 1 excused and not voting.

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:

Bereuter	Boughn	Carsten	Clark	Cullan
Duis	Fitzgerald	George	Goodrich	Hasebroock
Kahle	Keyes	Koch	Kremer	Labedz
Lamb	Maresh	Marvel	Mills	Moylan
Murphy	Nichol	Rasmussen	Rumery	Schmit
Simon	Swigart	Venditte	Warner	

Voting in the negative, 10:

Barnett	Brennan	Chambers	Dworak	Fowler
Marsh	Merz	Newell	Reutzel	Savage

Present and not voting, 9:

Burrows	Cope	DeCamp	Hefner	F. Lewis
R. Lewis	Luedtke	Maxey	Stoney	

Excused and not voting, 1:

Kelly

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 532.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 532.

MOTION–Suspend Rules on LB 431

Mr. Maresh moved to suspend the rules, Rule 6, Sec. 6b to read LB 431 today on Final Reading.

Mr. Maresh requested a roll call vote.

Voting in the affirmative, 29:

Bereuter	Brennan	Burrows	Carsten	Clark
Cope	Cullan	Duis	Fitzgerald	George
Goodrich	Hasebroock	Hefner	Kahle	Keyes
Kremer	Labedz	Lamb	Maresh	Marvel
Merz	Mills	Moylan	Murphy	Rumery
Savage	Stoney	Swigart	Venditte	

Voting in the negative, 18:

Barnett	Boughn	Chambers	DeCamp	Dworak
Fowler	Koch	F. Lewis	R. Lewis	Luedtke
Marsh	Maxey	Newell	Rasmussen	Reutzel
Schmit	Simon	Warner		

Present and not voting, 1:

Nichol

Excused and not voting, 1:

Kelly

The motion lost with 29 ayes, 18 nays, 1 present and not voting, and 1 excused and not voting.

ANNOUNCEMENT

President Whelan announced Mr. Ray Wilson, Sergeant at Arms, is out of the hospital and back to the Legislature today. The members welcomed him back.

ATTORNEY GENERAL'S OPINION

Opinion No. 107
June 1, 1977

Dear Senator Warner:

You have asked a question regarding the line item veto exercised by the Governor of section 5 of L.B. 546, Eighty-Fifth Legislature, First Session, 1977. Section 5 authorizes the expenditure of $2,790,000 for site acquisition and initiation of construction of the Medium-Minimum Correctional Facility to be located in Lancaster County, Nebraska.

Your question is, does this line item veto limit or restrict the ability of the Department of Corrections to accept bids for a Medium-Minimum Facility. L.B. 417, Eighty-Fourth Legislature, First Session, 1975, authorized the construction of this facility. To the extent that the Department is authorized under section 38 of L.B. 417 to accept bids on such facility, the deletion of the funding by the Governor through the exercise of his line item veto will have no affect on that ability. The sum stricken does not relate to the authority or the ability of the Department of Correctional Services to enter into such contracts. It merely deletes the authority to expend those funds during the current fiscal year, but does not affect the authority of the Department to enter into a contract for construction.

Sincerely,

PAUL L. DOUGLAS
Attorney General

(Signed) Patrick T. O'Brien
Assistant Attorney General

PTO:smb
cc: Mr. Vincent Brown
Clerk of the Legislature

POINT OF PERSONAL PRIVILEGE

Mr. Schmit requested a point of personal privilege on recent news articles.

The Chair ruled the point out of order.

Mr. Schmit challenged the ruling of the Chair.

The Chair reversed his ruling.

Mr. Schmit spoke on a point of personal privilege regarding a business he had previously owned and the recent news articles on the same.

MOTION—Override Veto on LB 4

Mr. Barnett moved to override the Governor's veto on LB 4.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 34:

Barnett	Boughn	Brennan	Burrows	Carsten
Clark	Cope	Cullan	DeCamp	Duis
Fitzgerald	George	Hasebroock	Hefner	Keyes
Koch	Lamb	F. Lewis	Luedtke	Marsh
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Rumery	Savage	Schmit
Simon	Stoney	Swigart	Warner	

Voting in the negative, 12:

Bereuter	Chambers	Dworak	Fowler	Kahle
Kremer	R. Lewis	Maresh	Marvel	Maxey
Newell	Venditte			

Present and not voting, 2:

Goodrich Labedz

Excused and not voting, 1:

Kelly

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

MOTIONS—Override Veto on LB 549

Mr. Warner moved to override the Governor's line-item veto on Sec. 50, page 21 of LB 549.

Whereupon the President stated: "Shall Sec. 50 of LB 549 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 33:

Barnett	Bereuter	Boughn	Carsten	Cope
DeCamp	Duis	Fitzgerald	Fowler	Hasebroock
Hefner	Kahle	Keyes	Koch	Kremer

Lamb	F. Lewis	R. Lewis	Luedtke	Marsh
Marvel	Maxey	Merz	Nichol	Rasmussen
Reutzel	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 7:

Clark	Cullan	Dworak	George	Labedz
Maresh	Newell			

Present and not voting, 8:

Brennan	Burrows	Chambers	Goodrich	Mills
Moylan	Murphy	Venditte		

Excused and not voting, 1:

Kelly

Having received a constitutional three-fifths majority voting in the affirmative, Sec. 50 of LB 549 passed notwithstanding the objections of the Governor.

Mr. Warner moved to override the Governor's line-item veto on Sec. 51, page 21 of LB 549.

Whereupon the President stated: "Shall Sec. 51 of LB 549 pass notwithstanding the objections of the Governor?"

Mr. Warner moved for a Call of the House. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mr. Warner moved the Call be raised. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Brennan	Cope
Duis	Fitzgerald	Fowler	George	Hasebroock
Hefner	Keyes	Koch	Kremer	F. Lewis
Luedtke	Marsh	Maxey	Merz	Murphy
Newell	Nichol	Rasmussen	Rumery	Savage
Schmit	Simon	Stoney	Swigart	Warner

Voting in the negative, 14:

Burrows	Carsten	Clark	Cullan	Dworak
Kahle	Labedz	Lamb	R. Lewis	Maresh
Mills	Moylan	Reutzel	Venditte	

Present and not voting, 4:

Chambers	DeCamp	Goodrich	Marvel

Excused and not voting, 1:

Kelly

Having received a constitutional three-fifths majority voting in the affirmative, Sec. 51 of LB 549 passed notwithstanding the objections of the Governor.

Mr. Warner moved to override the Governor's line-item veto on Sec. 52, page 22 of LB 549.

Whereupon the President stated: "Shall Sec. 52 of LB 549 pass notwithstanding the objections of the Governor?"

Mr. Warner moved for a Call of the House. The motion prevailed with 29 ayes, 1 nay, and 19 not voting.

Mr. Warner requested a roll call vote.

Voting in the affirmative, 28:

Barnett	Bereuter	Boughn	Carsten	Cope
Cullan	DeCamp	Fitzgerald	Fowler	George
Hasebroock	Hefner	Koch	F. Lewis	Luedtke
Marsh	Marvel	Maxey	Merz	Murphy
Nichol	Rumery	Savage	Schmit	Simon
Stoney	Swigart	Warner		

Voting in the negative, 19:

Brennan	Burrows	Clark	Duis	Dworak
Goodrich	Kahle	Keyes	Kremer	Labedz
Lamb	R. Lewis	Maresh	Mills	Moylan
Newell	Rasmussen	Reutzel	Venditte	

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Kelly

Having failed to receive a constitutional three-fifths majority voting in the affirmative, Sec. 52 failed to pass notwithstanding the objections of the Governor.

Mr. DeCamp moved the Call be raised. The motion prevailed with 32 ayes, 4 nays, and 13 not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 273.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 273.

MOTION—Override Veto on LB 549

Mr. Bereuter moved to override the Governor's line-item veto on Sec. 44, page 17 to LB 549.

SPEAKER LUEDTKE PRESIDING

Mr. Newell moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Whereupon the President stated: "Shall Sec. 44 of LB 549 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 11:

Barnett	Bereuter	Burrows	Cope	Cullan
DeCamp	Marsh	Marvel	Murphy	Simon
Stoney				

Voting in the negative, 26:

Boughn	Brennan	Clark	Duis	Dworak
Fitzgerald	George	Goodrich	Hasebroock	Kahle
Keyes	Koch	Kremer	Labedz	Lamb
Maresh	Merz	Mills	Moylan	Newell
Nichol	Reutzel	Rumery	Savage	Venditte
Warner				

Present and not voting, 11:

Carsten	Chambers	Fowler	Hefner	F. Lewis
R. Lewis	Luedtke	Maxey	Rasmussen	Schmit
Swigart				

Excused and not voting, 1:

Kelly

Having failed to receive a constitutional three-fifths majority voting in the affirmative, Sec. 44 failed to pass notwithstanding the objections of the Governor.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 1977, at 3:35 p.m., was the following bill: 532.

(Signed) Barbara Jackson, Enrolling Clerk

Presented to the Governor on June 1, 1977, at 4:33 p.m., was the following bill: 273.

(Signed) Emory Burnett, E & R Attorney

COMMUNICATIONS

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 4

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 4 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 4 notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 4 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 June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

RESOLUTION

LEGISLATIVE RESOLUTION 142.

Introduced by Marvel, 33rd District.

WHEREAS, the Legislature has adopted major revisions to the current provisions for the distribution of state aid to local public schools by the passage of LB 33, during the 1977 Legislative Session; and

WHEREAS, the intent of the Legislature is to increase General Fund support for the operation of local public schools; and

WHEREAS, the intent of the Legislature is not to provide less General Fund support for schools than a school district received during 1976-77; and

WHEREAS, provisions of LB 33 state that no school district shall receive less state aid on a per pupil and average daily membership basis than that received during fiscal year 1977.

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

1. That the State Department of Education shall request sufficient additional General Funds during the Second Session of the Eighty-Fifth Legislature to insure that no school district will receive less state aid on a per pupil and average daily membership basis than that received during fiscal year 1977.

2. That the State Department of Education in computing state aid on a per pupil and average daily membership basis received during fiscal year

1977 shall include all General Funds received under the provision of sections 79-1330 to 79-1344 and 79-4,160.

Laid over.

MESSAGE FROM THE SECRETARY OF STATE

June 1, 1977

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

RE: LB 4, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 1, 1977 at 4:04 P.M., LB 4. Along with LB 4, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 4 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 June, 1977."

Further, I hereby acknowledge that LB 4, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

REPORT OF EXECUTIVE BOARD

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

The following legislative resolutions were approved by the Executive Board and referred to the indicated committees for study during the 1977-78 interim:

Committee on Appropriations and Executive Board

LR 128 Correctional reform and improvements programs. (Appropriations Committee.) (Exec Board to appoint 7 evaluation teams)

(Signed) Marvel, Chairman, Mills, Fowler, Savage, Stoney, Luedtke, Nichol, R. Lewis

UNANIMOUS CONSENT—Add Name to LR 70

Mr. Bereuter asked unanimous consent to add his name to LR 70. No objections. So ordered.

MOTION—Investigation

Mr. Chambers moved that the Committee on Committees establish procedures and undertake an inquiry into the activities of lobbyists who picked up senators at the Lincoln airport on May 25, 1977. The inquiry shall determine:

(a) Who authorized or directed the lobbyists to pick up the senators,
(b) Who are the lobbyists involved, and who they represent,
(c) Whether any improper or unethical actions were involved,
(d) Whatever other matters are necessary to complete the inquiry.

The motion prevailed with 27 ayes, 2 nays, 19 present and not voting, and 1 excused and not voting.

PRESIDENT WHELAN PRESIDING

ANNOUNCEMENT—Study Resolutions

Mr. Marvel requested any study resolutions be turned in this afternoon.

Mr. Maresh asked unanimous consent to be excused for a short time. No objections. So ordered.

ANNOUNCEMENT—Priority Bills

Speaker Luedtke announced the priority bills will be considered in January, 1978 in the same order as they presently are.

Speaker Luedtke announced Mr. Swigart will not be back next session.

Mr. Swigart spoke to the members briefly.

VISITORS

The President introduced Mr. Fitzgerald's daughter and son-in-law, Mr. and Mrs. Doug Kass of Omaha.

REPORT OF EXECUTIVE BOARD

Legislative Resolution 141 was referred to the Executive Board.

(Signed) Marvel, Chairman, Fowler, Luedtke, R. Lewis, Stoney, Mills, Nichol, Savage

RECESS

At 5:02 p.m., on a motion by Speaker Luedtke, the Legislature recessed until 5:30 p.m.

AFTER RECESS

The Legislature reconvened at 5:30 p.m., President Whelan presiding.

ROLL CALL

The roll was called and all members were present except Mr. Kelly who was excused; and the Appropriations Committee who were excused until they arrive.

Mr. DeCamp moved for a Call of the House. The motion prevailed with 21 ayes, 3 nays, and 25 not voting.

MESSAGE FROM THE GOVERNOR

June 1, 1977

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

Dear Mr. President and Senators:

I am returning herewith LB 532, with my signature and my specific line item vetoes.

In total, my reductions in this bill are $20,051,853 and are detailed below.

Department of Education, Agency No. 13 -- I have reduced the state aid bill appropriation by $20 million. The $20 million you desire to add to the current level of $55 million will certainly be depleted by local schools in increased spending, leaving nothing for property tax relief. The current level of school spending is approximately $400 million per year. If the schools increase their budgets by only 5% on a $400 million budget, the increase alone will eat up the $20 million additional you are attempting to provide. The facts are that over the last six or seven years, school budgets have been increasing on a statewide average of about 9% per year. This means that even with the additional $20 million you propose to spend, there will very likely be raises in real estate taxes in addition. There is no statewide reduction in real estate taxes assured or even probable statewide. If you override my veto, you will be directing a sales tax increase immediately.

The proponents of this increase will say that although property taxes may not go down, the increased state aid will keep property taxes from increasing. The record of other states' experiences shows that this is not the case. Of Nebraska and our six adjoining states, two - Kansas and Colorado - lead the others in proportion of state aid in local school budgets. Which of our neighbors have led in increasing school spending? The same two, Colorado and Kansas, with increases of 93 and 91% respectively since 1970. We in Nebraska should learn from our neighboring states' experiences: the more state aid is increased, the more school spending is increased. We also should learn from our own experiences right here in Nebraska. Even with 53% of the state's budget already being returned to local governments in aid to them and individuals, we have had a doubling and in some cases tripling of real estate taxes since Nebraska implemented its sales and income taxes in 1967. Ten years later we seem to have learned very little as far as the Nebraska Legislature is concerned with regard to spending.

These facts show conclusively that the argument that the increase in state aid will keep property taxes from going up is a hoax. This $20 million increase represents a measure to increase spending and to increase taxes - it is as simple as that.

Furthermore, the Legislature has admitted that it has deliberately handled the state aid matter this year so as to attempt to prevent the people's right to a referendum. This action of yours alone defies understanding. It simply is unbelievable, and I intentionally scold you for it.

Department of Aeronautics, Agency No. 17 -- I have reduced the budget for the Civil Air Patrol by $24,00 (sic) to a level of $10,000, and this is approved by the Department of Aeronautics. This amount will allow a review of the Civil Air Patrol to determine how it uses the funds and operates with state funding.

Nebraska Commission on the Status of Women, Agency 38 -- I have reduced by $27,353 the General Fund appropriation to the Nebraska Commission on the Status of Women. This brings the amount back to my original recommendation of $82,486, a 63.2% increase in General Fund support allowing for an addition of 1.6FTE to the Commission's staff.

I urge you to sustain these vetoes.

Yours very truly,

(Signed) J. James Exon
Governor

JJE:fw

RESOLUTION

LEGISLATIVE RESOLUTION 143.

Introduced by Mills, 44th District.

WHEREAS, the Nebraska Wheat Development Utilization and Marketing Committee has by statute, been granted the power to tax; and

WHEREAS, the Committee has completed meritorious work; and

WHEREAS, some speculation has occurred regarding the use of the money collected by the Committee through its power to tax.

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

1. That the Executive Board of the Legislative Council select a committee to conduct an interim study of all aspect of the operation of the Nebraska Wheat Development Utilization and Marketing Committee.

2. That the results of such study be reported to the next regular session of the Legislature.

Referred to the Executive Board.

MOTION–Reconsider Action on LB 549

Mr. Reutzel moved to reconsider action on the line-item override motion of Mr. Warner to Sec. 52 to LB 549.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 0 nays, and 14 not voting.

The Reutzel motion prevailed with 30 ayes, 8 nays, 10 present and not voting, and 1 excused and not voting.

Whereupon the President stated: "Shall Sec. 52 of LB 549 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 32:

Barnett	Bereuter	Boughn	Brennan	Carsten
Chambers	Cope	Cullan	DeCamp	Fitzgerald
Fowler	George	Hasebroock	Hefner	Kahle
Keyes	Koch	F. Lewis	Luedtke	Marsh
Marvel	Maxey	Merz	Murphy	Newell
Nichol	Reutzel	Savage	Simon	Stoney
Swigart	Warner			

Voting in the negative, 14:

Burrows	Clark	Duis	Dworak	Kremer
Labedz	Lamb	R. Lewis	Maresh	Mills
Rasmussen	Rumery	Schmit	Venditte	

Present and not voting, 2:

Goodrich Moylan

Excused and not voting, 1:

Kelly

Having received a con stitutional three-fifths majority voting in the affirmative, Sec. 52 of LB 549 passed notwithstanding the objections of the Governor.

MOTIONS—Override LB 532

Mr. Warner moved to override the Governor's line-item veto on Sec. 21, page 36, of LB 532.

Mr. F. Lewis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 39 ayes, 3 nays, and 7 not voting.

Whereupon the President stated: "Shall Sec. 21, page 36, of LB 532 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 24:

Barnett	Bereuter	Chambers	Cope	Fitzgerald
Fowler	Hasebroock	Hefner	Kahle	Keyes
Koch	Labedz	F. Lewis	Luedtke	Marsh
Marvel	Maxey	Newell	Rumery	Savage
Simon	Stoney	Swigart	Warner	

Voting in the negative, 24:

Boughn	Brennan	Burrows	Carsten	Clark
Cullan	DeCamp	Duis	Dworak	George
Goodrich	Kremer	Lamb	R. Lewis	Maresh
Merz	Mills	Moylan	Murphy	Nichol
Rasmussen	Reutzel	Schmit	Venditte	

Excused and not voting, 1:

Kelly

Having failed to receive a constitutional three-fifths majority voting in the affirmative, Sec. 21, page 36, of LB 532 failed to pass notwithstanding the objections of the Governor.

Mr. Warner moved to override the Governor's line-item veto to Section 45.

Mr. Chambers moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 7 nays, and 11 not voting.

Whereupon the President stated: "Shall Sec. 45 of LB 532 pass notwithstanding the objections of the Governor?"

Voting in the affirmative, 30:

Barnett	Bereuter	Boughn	Carsten	Cope
Cullan	DeCamp	Duis	Fitzgerald	Fowler
George	Goodrich	Hasebroock	Hefner	Kahle
Keyes	Koch	F. Lewis	Luedtke	Marsh
Maxey	Newell	Nichol	Rasmussen	Reutzel
Rumery	Savage	Schmit	Simon	Warner

Voting in the negative, 17:

Brennan	Burrows	Chambers	Clark	Dworak
Kremer	Labedz	Lamb	R. Lewis	Maresh
Marvel	Merz	Mills	Moylan	Murphy
Stoney	Swigart			

Present and not voting, 1:

Venditte

Excused and not voting, 1:

Kelly

Having received a constitutional three-fifths majority voting in the affirmative, Sec. 45 of LB 532 passed notwithstanding the objections of the Governor.

MOTION – Reconsider Action on LB 431

Mr. Nichol moved to reconsider action on the Maresh motion to suspend the rules to read LB 431.

Mr. Merz moved the Call be raised. The motion lost with 17 ayes, 24 nays, and 8 not voting.

Mr. Barnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 4 nays, and 9 not voting.

The Nichol motion to reconsider action prevailed with 33 ayes, 10 nays, 5 present and not voting, and 1 excused and not voting.

Mr. Maresh moved to suspend the rules, Rule 6, Sec. 6b to read LB 431.

The motion prevailed with 35 ayes, 9 nays, 4 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 431.

A BILL FOR AN ACT to amend section 2, Legislative Bill 30, Eighty-fifth Legislature, First Session, 1977, relating to taxation; to change the 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, 37:

Barnett	Bereuter	Boughn	Brennan	Burrows
Carsten	Clark	Cope	Cullan	Duis
Fitzgerald	Fowler	George	Hasebroock	Hefner
Kahle	Keyes	Kremer	Labedz	Lamb
R. Lewis	Luedtke	Maresh	Marsh	Maxey
Merz	Mills	Moylan	Murphy	Nichol
Reutzel	Rumery	Savage	Stoney	Swigart
Venditte	Warner			

Voting in the negative, 10:

Chambers	DeCamp	Dworak	Goodrich	F. Lewis
Marvel	Newell	Rasmussen	Schmit	Simon

Present and not voting, 1:

Koch

Excused and not voting, 1:

Kelly

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

Mr. F. Lewis moved the Call be raised. The motion prevailed with 37 ayes, 8 nays, and 4 not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 144.

Introduced by Newell, 13th District.

WHEREAS, Nebraska has one of the highest property tax rates in the nation, and

WHEREAS, Nebraska offers a low homestead exemption, and

WHEREAS, Nebraska's homestead exemption laws grant catagorical relief to only a few of the aged and ignores others who are in need of relief,

THEREFORE, BE IT RESOLVED by the Eighty-fifth Session of the Nebraska Unicameral

That the Revenue Committee conduct an interim study of the State's current homestead exemption laws, and

That the focus of that study be directed toward providing more general property tax relief to all property owners, and

That the committee study the possibility of incorporating a plan of circuit breakers into the State's property tax laws, and

That the committee report its findings to the body in the form of remedial legislation.

Referred to the Executive Board.

REPORT OF EXECUTIVE BOARD

June 1, 1977

TO THE MEMBERS OF THE NEBRASKA LEGISLATURE:

The following legislative resolutions were approved by the Executive Board and referred to the indicated committees for study during the 1977-78 interim:

Committee on Agriculture

LR 143 Study of all aspects of the operation of the Nebraska Wheat Development Utilization and Marketing Committee. (Mills)

Committee on Miscellaneous Subjects

LR 35 Study of the purposes for and ramifications of the Nebraska Political Accountability Act. (Koch)

Committee on Revenue

LR 101 Study of the taxation of insurance companies. (Amended to include all financial institutions) (Keyes)

LR 144 Homestead exemption laws.

(Signed) Marvel, Chairman, R. Lewis, Mills, Bereuter, Luedtke

COMMUNICATION ON LB 549

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 549

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 549 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 549 having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, and after reconsideration, the Legislature by the constitutional majority, has overridden said line-item veto as follows:

Section 50	Page 21
Section 51	Page 21
Section 52	Pages 21 and 22

Those provisions have become law this 1st day of June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

COMMUNICATION ON LB 532

June 1, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol Building
Lincoln, Nebraska 68509

Re: LB 532

Dear Mr. Beermann:

Pursuant to the provisions of 84-503, RRS, we are forwarding LB 532 with a Certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

CERTIFICATE

Legislative Bill 532 having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, and after reconsideration, the Legislature by the constitutional majority, has overridden said line-item veto as follows:

Section 45 (3) Program No. 143 Page 79

Those provisions have become law this 1st day of June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

MOTION—Approve Journal

Mr. Savage moved that the Journal for the Ninetieth Day, as prepared by the Clerk, be approved.

The motion prevailed.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: 431.

(Signed) Samuel K. Cullan, Chairman

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bill: 431.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 1, 1977, at 6:25 p.m., was the following bill: 431.

(Signed) Emory P. Burnett, E & R Attorney

MOTION–Advise Governor

Mr. Marvel moved that a committee of five be appointed to advise the Governor that the Eighty-fifth 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. Swigart, Duis, Venditte, George and Barnett to serve on the said committee.

The committee returned and escorted Governor J. James Exon to the rostrum. The Governor addressed the members briefly.

The committee escorted the Governor from the Chamber.

MOTION–Adjourn

Mr. Swigart moved that the Eighty-Fifth Legislature, First Session of the Legislature, having finished all business before it, now at 6:34 p.m., we adjourn sine die.

The motion prevailed.

Vincent D. Brown
Clerk of the Legislature

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

COMMUNICATIONS

CORRECTED CERTIFICATE
(corrects certificate appearing on page 2314 in the Journal)

Legislative Bill 532 having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, and after reconsideration, the Legislature by the constitutional majority, has overridden said line-item veto as follows:

Section 45

Those provisions have become law this 1st day of June, 1977.

(Signed) Gerald Whelan, Presiding Officer
President of the Legislature

June 2, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 531

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Exon on LB 531, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

June 2, 1977

The Honorable Allen Beermann
Secretary of State
State Capitol
Lincoln, Nebraska 68509

Re: LB 546

Dear Mr. Beermann:

Inasmuch as the Legislature did not override the line-item veto by Governor Exon on LB 546, I am delivering the bill for filing in the form and amounts as approved by the Governor.

Very truly yours,

(Signed) Vincent D. Brown
Clerk of the Legislature

sd
cc: Governor Exon

MESSAGE FROM THE SECRETARY OF STATE

June 2, 1977

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

RE: LB 531, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge receipt of LB 531, on this 2nd day of June, 1977 at 3:04 P.M.

Inasmuch as the Legislature did not override the line-item veto by Governor Exon on LB 531, this bill will be filed in the form and amounts as approved by the Governor.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

June 2, 1977

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

RE: LB 532, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 2, 1977 at 3:04 P.M. LB 532. Along with LB 532, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 532 having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, and after reconsideration, the Legislature by the constitutional majority, has overridden said line-item veto as follows:

Section 45
Those provisions have become law this 2nd day of June, 1977."

Further, I hereby acknowledge that LB 532, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 2, 1977

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

RE: LB 546, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge receipt of LB 546, on this 2nd day of June, 1977 at 3:05 P.M.

Inasmuch as the Legislature did not override the line-item veto by Governor Exon on LB 546, this bill will be filed in the form and amounts as approved by the Governor.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

June 2, 1977

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

RE: LB 549, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to acknowledge that I have received on June 2, 1977 at 3:04 P.M. LB 549. Along with LB 549, I hereby acknowledge receipt of your cover letter, signed certificate by Gerald Whelan, Presiding Officer and President of the Legislature the contents of which are as follows: "Legislative Bill 549 having been returned by the Governor with his signature, but with certain items therein having been line-item vetoed, and after reconsideration, the Legislature by the constitutional majority, has overridden said line-item veto as follows:

Section 50	Page 21
Section 51	Page 21
Section 52	Pages 21 and 22

Those provisions have become law this 1st day of June, 1977."

Further, I hereby acknowledge that LB 549, cover letter, certificate and copy of the Governor's message have all been filed in this office as a matter of record on the day and hour stated above.

Respectfully submitted,

(Signed) Allen J. Beermann
Secretary of State

June 6, 1977

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

RE: LB 431, Eighty-fifth Legislature, First Session

Dear Mr. Brown:

This letter is to advise you that Engrossed Legislative Bill 431 was signed by Governor J. James Exon on June 3, 1977 at 12:00 o'clock noon P.M.

Further I hereby certify inasmuch as the Legislature had adjourned the bill was filed in my office by the Governor at 2:03 P.M., June 3, 1977 and I herewith have the privilege of advising you that the Governor signed Engrossed Legislative Bill 431.

Sincerely yours,

(Signed) Allen J. Beermann
Secretary of State

COMMUNICATION

June 3, 1977

The Honorable J. James Exon
Governor of the State of Nebraska
State Capitol
Lincoln, Nebraska 68509

Dear Governor Exon:

Due to my recent election to the Omaha City Council, I hereby this day tender my resignation from the Nebraska State Legislature (District No. 8).

I have been honored, and I most appreciate having had the privilege to serve these past three sessions in the Nebraska Legislature. I want to thank you, Governor, for the courtesies received from your office during that time, and I wish you well for the remainder of your term.

My personal regards.

Sincerely,

(Signed) Warren R. Swigart
State Senator

mja
cc: Allen Beermann, Secretary of State
Roland Luedtke, Speaker of the Legislature
Vincent Brown, Clerk of the Legislature

MESSAGES FROM THE GOVERNOR

June 1, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Reengrossed Legislative Bill No. 273.
This bill was signed by me on June 1, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

June 3, 1977

Mr. Vince Brown
Clerk of the Legislature
State Capitol Building
Lincoln, Nebraska

Dear Mr. Brown:

We have received Engrossed Legislative Bill No. 431.
This bill was signed by me on June 3, 1977 and delivered to the Secretary of State.

Very truly yours,

(Signed) J. James Exon
Governor

JJE:f

CERTIFICATE

I, Vincent D. Brown, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills after adjournment of the Eighty-fifth Legislature, First Session and other correspondence.

(Signed) Vincent D. Brown
Clerk of the Legislature

June 7, 1977
Lincoln, Nebraska

2322

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1977

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Compiled by

VINCENT D. BROWN

Clerk of the Legislature

03-01-49-77

CHRONOLOGY OF BILLS

EIGHTY-FIFTH LEGISLATURE
FIRST SESSION
1977

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Jan.	6	Placed on General File	112
Jan.	11	Referred for review	157
Jan.	18	Placed on Select File	191
Jan.	19	Referred for engrossment	203
Jan.	24	Correctly engrossed	269
Jan.	27	Final Reading	300
Jan.	31	Correctly enrolled. President signed	322
Feb.	1	Presented to Governor	329
Feb.	3	Approved by Governor	354

LEGISLATIVE BILL 6 By Executive Board

Jan.	6	Read first time	98
Jan.	6	Placed on General File	112
Jan.	11	Referred for review	157
Jan.	18	Placed on Select File	191
Jan.	19	Referred for engrossment	203
Jan.	24	Correctly engrossed	269
Jan.	27	Final Reading	301
Jan.	31	Correctly enrolled. President signed	322
Feb.	1	Presented to Governor	329
Feb.	3	Approved by Governor	354

LEGISLATIVE BILL 7 By Executive Board

Jan.	6	Read first time	98
Jan.	6	Placed on General File	112
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Apr.	29	Presented to Governor	1717
Apr.	29	Bereuter explanation of vote	1723
May	2	Approved by Governor	1763

LEGISLATIVE BILL 8 By Executive Board

Jan.	6	Read first time	98
Jan.	6	Placed on General File	112
Jan.	11	Referred for review	157
Jan.	18	Placed on Select File	191
Jan.	19	Referred for engrossment	203
Jan.	24	Correctly engrossed	269
Jan.	27	Final Reading	302
Jan.	31	Correctly enrolled. President signed	322
Feb.	1	Presented to Governor	329
Feb.	3	Approved by Governor	354

LEGISLATIVE BILL 9 By Executive Board

Jan.	6	Read first time	98
Jan.	6	Placed on General File	112
Jan.	11	Referred for review	157
Jan.	18	Placed on Select File	191
Jan.	19	Referred for engrossment	203
Jan.	24	Correctly engrossed	269
Jan.	27	Final Reading	303
Jan.	31	Correctly enrolled. President signed	322
Feb.	1	Presented to Governor	329
Feb.	3	Approved by Governor	354

LEGISLATIVE BILL 10 By Executive Board

Jan.	6	Read first time	99
Jan.	6	Placed on General File	112
Jan.	10	Returned to Reference Committee	140
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Feb.	2	Placed on General File	352
Feb.	9	Referred for review	408
Feb.	11	Placed on Select File	441
Feb.	14	Referred for engrossment	461

Feb. 15	Correctly engrossed	478
Feb. 18	Final Reading	529
Feb. 22	Correctly enrolled. President signed	547
Feb. 23	Presented to Governor	568
Feb. 25	Approved by Governor	616

LEGISLATIVE BILL 11 By Rumery

Jan. 6	Read first time	99
Jan. 6	Referred to Committee on Urban Affairs	112
Jan. 11	Notice of hearing	150
Feb. 28	Indefinitely postponed	631

LEGISLATIVE BILL 12 By Barnett

Jan. 6	Read first time	99
Jan. 6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan. 20	Notice of hearing	221
Feb. 22	Indefinitely postponed	555

LEGISLATIVE BILL 13 By Barnett

Jan. 6	Read first time	99
Jan. 6	Referred to Committee on Urban Affairs	112
Jan. 11	Notice of hearing	150
Jan. 27	Placed on General File	309
Feb. 7	Mills amendment adopted. Referred for review	384
Feb. 9	Placed on Select File	405
Feb. 10	Referred for engrossment	420
Feb. 11	Correctly engrossed	455
Feb. 11	Mills amendment printed	456
Feb. 14	Returned to Select File for Mills amendment. Mills amendment adopted. Referred for re-engrossment	463
Feb. 14	Returned to Select File for Koch amendment. Koch amendment adopted. Referred for re-engrossment	464
Feb. 16	Replaced on Select File	496
Feb. 17	Referred for re-engrossment	522
Feb. 18	Correctly engrossed	540
Feb. 24	Final Reading	582
Feb. 25	Correctly enrolled. President signed	619
Feb. 28	Presented to Governor	630
Mar. 7	Approved by Governor	721

LEGISLATIVE BILL 14 By Barnett

Jan.	6	Read first time	99
Jan.	6	Referred to Committee on Business and Labor	112
Jan.	11	Notice of hearing	148
Feb.	10	Indefinitely postponed	436

LEGISLATIVE BILL 15 By Nichol

Jan.	6	Read first time	99
Jan.	6	Referred to Committee on Constitutional Revision and Recreation	112
Jan.	11	Notice of hearing	148

LEGISLATIVE BILL 16 By Nichol

Jan.	6	Read first time	100
Jan.	6	Referred to Committee on Revenue	112
Jan.	11	Notice of hearing	149
Jan.	27	Indefinitely postponed	309

LEGISLATIVE BILL 17 By Nichol

Jan.	6	Read first time	100
Jan.	6	Referred to Committee on Judiciary	112
Jan.	11	Notice of hearing	149
Jan.	27	Placed on General File	306
Feb.	1	Chambers amendment adopted. Referred for review	336
Feb.	3	Placed on Select File	360
Feb.	7	Laid over	378
Feb.	8	Laid over	395
Feb.	9	Laid over. Barnett amendment adopted. Referred for engrossment	407
Feb.	11	Correctly engrossed	441
Feb.	16	Final Reading	497
Feb.	17	Correctly enrolled	518
Feb.	17	President signed	519
Feb.	18	Presented to Governor	528
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 18 By Nichol

Jan.	6	Read first time	100
Jan.	6	Referred to Committee on Banking, Commerce and Insurance	112
Jan.	31	Notice of hearing	321
Mar.	16	Placed on General File	870

LEGISLATIVE BILL 19 By Barnett

Jan.	6	Read first time	100
Jan.	6	Referred to Committee on Miscellaneous Subjects	112
Jan.	26	Notice of hearing	288
Mar.	7	Indefinitely postponed	726

LEGISLATIVE BILL 20 By Barnett

Jan.	6	Read first time	100
Jan.	6	Referred to Committee on Miscellaneous Subjects	112
Jan.	11	Notice of hearing	159
Feb.	14	Indefinitely postponed	460
Feb.	15	Barnett motion to place on General File pending	480
Feb.	22	Barnett motion withdrawn	553

LEGISLATIVE BILL 21 By Savage

Jan.	6	Read first time	100
Jan.	6	Referred to Committee on Constitutional Revision and Recreation	112
Jan.	11	Notice of hearing	148
Mar.	10	Placed on General File	786
Mar.	18	Savage amendment printed	929
Mar.	21	Barnett amendment printed	966
Mar.	24	Savage, Barnett and Duis amendments adopted. Laid over	1042

LEGISLATIVE BILL 21A By Savage

Mar.	17	Read first time. Placed on General File	891

LEGISLATIVE BILL 22 By Swigart

Jan.	6	Read first time	101
Jan.	6	Referred to Committee on Education	112
Jan.	11	Notice of hearing	156
Feb.	7	Placed on General File	379
Feb.	11	Referred for review	456
Feb.	15	Placed on Select File	475
Feb.	16	Bracketed	501
Feb.	28	Swigart amendment printed	644
Mar.	1	Bracketed	664

Mar. 4	Stoney amendment printed	709
Mar. 11	Swigart amendment lost. Referred for engrossment	806
Mar. 14	Correctly engrossed	817
Mar. 14	Stoney motion to return to Select File for amendment pending	825
Mar. 14	Stoney amendment lost	826
Mar. 16	Bracketed	877
Mar. 23	Laid over	1006
Mar. 24	F. Lewis to return to Select File for Stoney amendment lost	1031
Mar. 24	Final Reading	1032
Mar. 25	Correctly enrolled. President signed	1052
Mar. 28	Presented to Governor	1090
Apr. 5	Approved by Governor	1257

LEGISLATIVE BILL 23 By Rasmussen

Jan. 6	Read first time	101
Jan. 6	Referred to Committee on Judiciary	112
Jan. 11	Notice of hearing	149
Jan. 24	Placed on General File	255
Jan. 25	Referred for review	282
Jan. 27	Placed on Select File	297
Jan. 27	DeCamp amendments printed	305
Jan. 31	DeCamp amendments adopted. Referred for engrossment	317
Feb. 2	Replaced on Select File	340
Feb. 3	Referred for engrossment	362
Feb. 7	Correctly engrossed	373
Feb. 10	Final Reading	418
Feb. 11	Correctly enrolled	441
Feb. 11	President signed	442
Feb. 14	Presented to Governor	460
Feb. 22	Approved by Governor	552

LEGISLATIVE BILL 24 By Barnett

Jan. 6	Read first time	101
Jan. 6	Referred to Committee on Public Works	112
Jan. 17	Notice of hearing	185
Feb. 7	Indefinitely postponed	381

LEGISLATIVE BILL 25 By Keyes

Jan.	6	Read first time	101
Jan.	6	Referred to Committee on Constitutional Revision and Recreation	112
Jan.	10	Motion to withdraw pending	138
Jan.	11	Withdrawn	156

LEGISLATIVE BILL 26 By Keyes

Jan.	6	Read first time	101
Jan.	6	Referred to Committee on Revenue	112
Jan.	11	Notice of hearing	149
Jan.	27	Indefinitely postponed	309

LEGISLATIVE BILL 27 By Keyes

Jan.	6	Read first time	101
Jan.	6	Referred to Committee on Revenue	112
Feb.	9	Notice of hearing	406
Feb.	14	Motion to withdraw and cancel hearing pending	459
Feb.	15	Withdrawn	475

LEGISLATIVE BILL 28 By Keyes

Jan.	6	Read first time	102
Jan.	6	Referred to Committee on Revenue	112
Jan.	20	Notice of hearing	221
Jan.	21	Hearing cancelled	229
Feb.	1	Hearing reset	328
Feb.	10	Hearing cancelled	417
Feb.	17	Hearing reset	524

LEGISLATIVE BILL 29 By Maresh

Jan.	6	Read first time	102
Jan.	6	Referred to Committee on Government, Military & Veterans Affairs	112
Jan.	11	Notice of hearing	148
Jan.	27	Placed on General File	309
Feb.	1	Maresh amendment printed	337
Feb.	7	Maresh amendment adopted. Motion to indefinitely postpone lost. Bracketed	380
Feb.	10	Maresh amendment printed	435
Feb.	17	Maresh amendment adopted. Referred for review	522
Feb.	22	Placed on Select File	545

Feb. 23	Referred for engrossment	567
Feb. 28	Replaced on Select File	628
Mar. 2	Referred for engrossment	681
Mar. 4	Correctly engrossed	707
Mar. 9	DeCamp motion to return to Select File lost. Final Reading	761
Mar. 10	Correctly enrolled. President signed	786
Mar. 11	Presented to Governor	803
Mar. 17	Approved by Governor	913

LEGISLATIVE BILL 30 By Maresh

Jan. 6	Read first time	102
Jan. 6	Referred to Committee on Revenue	112
Jan. 10	Swigart name added	137
Jan. 18	Notice of hearing	192
Feb. 7	Placed on General File	375
Feb. 9	Chambers amendment lost	409
Feb. 9	Simon amendment adopted. Cullan amendment lost. Referred for review	412
Feb. 11	Placed on Select File	441
Feb. 11	Maresh amendment printed	447
Feb. 14	Maresh amendment renewed. Bracketed	462
Feb. 18	Maresh amendment lost. Referred for engrossment	533
Feb. 22	Correctly engrossed	547
Feb. 22	Returned to Select File for Maresh amendment	555
Feb. 22	Maresh amendment lost. Referred for engrossment	556
Feb. 22	Schmit and Mills motions to return to Select File lost	558
Feb. 22	Returned to Final Reading	560
Feb. 25	Bracketed	606
Feb. 28	Returned to Select File for DeCamp etal amendment	632
Mar. 18	Bracketed	920
Mar. 29	Bracketed. Koch amendment printed	1138
Mar. 29	Maresh amendments printed	1149
Apr. 1	Bracketed	1226
Apr. 14	Motion to bracket lost. DeCamp amendment lost. Returned to Final Reading	1413
Apr. 18	Koch motion to return to Select File pending	1478
Apr. 19	Koch motion renewed. Laid over	1484
Apr. 20	Koch motion lost	1526
Apr. 20	Chambers motion to return to Select File lost	1527
Apr. 20	Maresh amendment withdrawn. Returned to Select File for Lamb amendment	1528
Apr. 20	Lamb amendment adopted. Motion to advance pending	1542

Apr.	21	Referred for re-engrossment 1558
Apr.	25	Correctly re-engrossed 1609
Apr.	26	George motion to return to Select File lost 1637
Apr.	28	Koch, Simon and F. Lewis motions to return to Select File and bracket lost 1685
Apr.	28	Final Reading 1687
Apr.	29	Correctly enrolled. President signed 1718
Apr.	29	Mills explanation of vote 1723
May	2	Presented to Governor 1737
May	9	Approved by Governor 1909

LEGISLATIVE BILL 31 By Rasmussen

Jan.	6	Read first time 102
Jan.	6	Referred to Committee on Public Works 112
Jan.	17	Notice of hearing 185
Feb.	14	Indefinitely postponed 472

LEGISLATIVE BILL 32 By Rasmussen

Jan.	6	Read first time 102
Jan.	6	Referred to Committee on Revenue 112
Jan.	11	Notice of hearing 149
Jan.	27	Indefinitely postponed 309

LEGISLATIVE BILL 33 By Koch

Jan.	6	Read first time 102
Jan.	6	Marsh name added 103
Jan.	6	Referred to Committee on Education 112
Jan.	11	Notice of hearing 156
Feb.	23	Placed on General File 578
Mar.	2	Bracketed 684
Mar.	9	Attorney General Opinion 770
Mar.	15	Bracketed 864
Mar.	29	Koch amendments printed 1142
Apr.	5	Koch amendments adopted. Laid over 1264
Apr.	6	Laid over 1299
Apr.	12	Murphy & Rasmussen amendments lost 1358
Apr.	12	DeCamp amendment printed 1366
Apr.	13	DeCamp amendment adopted. Murphy & Cullan amendments pending 1378
Apr.	18	Cullan amendment withdrawn. Murphy amendment lost. F. Lewis amendment to Lamb amendment adopted. Lamb amendment withdrawn. Cullan amendment lost. Motion to advance pending 1461

Apr.	18	Referred for review	1467
Apr.	20	Placed on Select File	1522
Apr.	20	Koch amendments printed	1533
Apr.	21	DeCamp amendments printed	1554
Apr.	21	DeCamp amendments printed	1556
Apr.	21	Murphy amendments printed	1561
Apr.	21	Koch amendments adopted. DeCamp amendments withdrawn. Cullan, Murphy and F. Lewis amendments adopted. Referred for engrossment	1566
Apr.	25	Replaced on Select File	1602
Apr.	26	Failed to advance for engrossment	1633
Apr.	27	Bracketed	1661
Apr.	28	Koch amendment printed	1709
May	3	Referred for engrossment. Mills motion to return to Select File lost. Returned to Select File for Koch amendment. Koch amendment adopted. Referred for engrossment	1784
May	4	Replaced on Select File	1797
May	4	Referred for engrossment	1822
May	9	Correctly engrossed	1907
May	9	Attorney General Opinion	1913
May	13	Final Reading	2015
May	13	Correctly enrolled. President signed	2030
May	13	Presented to Governor	2032
May	13	Attorney General Opinion	2041
May	23	Returned by Governor without approval	2138
May	23	Attorney General Opinion	2139
May	23	Passed over Governor's veto	2152
May	23	Communication. Certificate	2158
June	1	Attorney General Opinion	2256

LEGISLATIVE BILL 33A By Koch

Feb.	17	Read first time. Placed on General File	513
Feb.	25	Koch amendment printed	601
Mar.	2	Bracketed	684
Apr.	18	Koch amendment adopted. Referred for review	1471
Apr.	20	Placed on Select File	1523
Apr.	21	Referred for engrossment	1567
May	9	Correctly engrossed	1907
May	12	Laid over	2000
May	13	Bracketed	2015
May	13	Attorney General Opinion	2041
May	23	Attorney General Opinion	2141
May	23	Letter	2161

LEGISLATIVE BILL 34 By Koch

Jan.	6	Read first time	103
Jan.	6	Referred to Committee on Public Health and Welfare	112
Jan.	11	Notice of hearing	149
Feb.	25	Indefinitely postponed	601

LEGISLATIVE BILL 35 By Koch

Jan.	6	Read first time	103
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan.	11	Notice of hearing	148
Jan.	31	Indefinitely postponed	316

LEGISLATIVE BILL 36 By Barnett

Jan.	6	Read first time	103
Jan.	6	Referred to Committee on Urban Affairs	112
Jan.	26	Notice of hearing	286
Feb.	3	Attorney General Opinion	355
Feb.	25	Indefinitely postponed	619

LEGISLATIVE BILL 37 By Reutzel

Jan.	6	Read first time	103
Jan.	6	Referred to Committee on Education	112
Jan.	11	Notice of hearing	156
Feb.	7	Placed on General File	379
Feb.	8	Indefinitely postponed	398

LEGISLATIVE BILL 38 By Judiciary Committee

Jan.	6	Read first time	103
Jan.	6	Referred to Committee on Judiciary	112
Jan.	18	Notice of hearing	194
Jan.	24	Bereuter amendment printed	255
Feb.	2	Placed on General File	352
Feb.	28	Barnett amendment adopted. Laid over	637
Mar.	1	Barnett amendments adopted. Laid over	659
Mar.	2	DeCamp amendments adopted. DeCamp amendments lost. DeCamp amendment pending	678
Mar.	3	DeCamp amendment withdrawn. Chambers amendment lost. DeCamp amendments adopted. Maresh explanation of vote. Laid over	699
Mar.	3	Merz explanation of vote	702

Mar.	4	Barnett amendment printed	708
Mar.	7	DeCamp amendment adopted. Koch motion to return to Committee lost. Simon motion to print all amendments lost. Laid over	727
Mar.	7	Vote on Chambers amendment printed	731
Mar.	7	Chambers & Murphy amendments printed	733
Mar.	8	Marsh amendment to DeCamp amendment adopted. DeCamp amendment pending	741
Mar.	9	DeCamp amendment adopted. Chambers motion to return to Committee lost. DeCamp amendments adopted	774
Mar.	9	Maresh explanation of vote	778
Mar.	10	Barnett amendments printed	790
Mar.	10	DeCamp and Burrows amendments withdrawn. Burrows motion to indefinitely postpone lost. Chambers amendment lost. Chambers amendment adopted. Chambers amendment pending	799
Mar.	11	Chambers amendments withdrawn. Chambers amendments adopted. Chambers amendment lost	808
Mar.	14	Chambers amendments lost. Fowler amendment adopted	824
Mar.	16	Barnett amendments adopted. Laid over	869
Mar.	16	Chambers statement printed	875
Mar.	17	Barnett and Chambers amendments adopted. Barnett amendment withdrawn. Chambers and Fowler amendments pending. Venditte amendment printed	890
Mar.	17	Attorney General Opinion	905
Mar.	17	Venditte amendment printed	910
Mar.	18	Fowler amendment adopted. Chambers amendment lost. Venditte amendment withdrawn. Venditte amendment printed	917
Mar.	18	Barnett amendments printed	921
Mar.	21	Venditte amendment lost. Venditte amendment pending	951
Mar.	21	Barnett amendment printed	952
Mar.	21	Venditte amendment lost	954
Mar.	21	Burrows amendment printed	966
Mar.	22	Burrows amendment adopted. Laid over	977
Mar.	23	Venditte amendment adopted. Venditte amendment lost. Barnett amendment adopted. Laid over	1006
Mar.	24	Barnett amendment adopted	1036
Mar.	24	Bereuter amendment printed	1044
Mar.	25	DeCamp amendment printed	1057
Mar.	25	Simon amendment printed	1083
Mar.	28	Barnett amendments adopted. Barnett amendments lost. DeCamp amendments pending. Laid over	1094
Mar.	28	Attorney General Opinion	1105

Mar.	29	DeCamp amendments adopted. Simon amendment withdrawn. Laid over	1134
Mar.	30	Barnett amendments printed	1186
Apr.	1	Barnett amendments adopted. Reutzel amendments adopted. Venditte motion to indefinitely postpone pending	1219
Apr.	4	Venditte motion renewed. Maresh motion to bracket lost. Barnett amendment printed	1244
Apr.	5	Venditte pending motion lost. Venditte amendment lost. Barnett amendments adopted	1260
Apr.	12	Attorney General Opinion	1350
Apr.	12	Barnett amendments adopted	1354
Apr.	12	Koch amendment printed	1369
Apr.	13	Barnett amendments printed. Murphy and Koch amendments laid over. Barnett amendments adopted. Laid over	1377
Apr.	14	Murphy and Koch amendments withdrawn. Bereuter and Fowler amendments adopted. Laid over	1403
Apr.	14	Barnett amendments adopted. Laid over	1407
Apr.	15	Venditte amendment laid over. Murphy and Chambers amendments adopted. Simon amendment lost. Laid over	1436
Apr.	18	Venditte amendments printed	1464
Apr.	19	Venditte amendment lost. Chambers amendments adopted. Chambers amendments lost. Chambers amendments withdrawn	1496
Apr.	19	Chambers amendment adopted. Chambers amendments withdrawn. Chambers amendment lost. Referred for review	1501
Apr.	25	Kelly amendments printed	1609
Apr.	28	Placed on Select File	1677
Apr.	28	DeCamp amendment printed	1705
Apr.	28	Barnett amendment printed	1712
May	3	Kelly amendment lost. DeCamp amendment adopted	1787
May	3	Barnett, Chambers and Cullan amendments adopted. Bereuter amendment lost	1790
May	3	Simon amendment withdrawn. Referred for engrossment	1792
May	9	Attorney General Opinion	1899
May	12	Replaced on Select File	1994
May	12	Referred for engrossment	2004
May	12	Correctly engrossed	2005
May	17	Final Reading	2088
May	17	Kremer explanation of vote	2096
May	17	Correctly enrolled	2101
May	17	Speaker signed	2102
May	17	Presented to Governor	2104

May 24 Returned by Governor without approval 2175
May 25 Barnett motion to override veto laid over 2197
June 1 Passed over Governor's veto 2267
June 1 Communication. Certificate 2276
June 1 Letter 2286

LEGISLATIVE BILL 38A By Barnett

Apr. 13 Read first time. Placed on General File 1382
Apr. 15 Bereuter amendment printed 1438
Apr. 19 Bereuter amendment adopted. Referred for review ... 1506
Apr. 28 Placed on Select File 1683
May 3 Referred for engrossment 1793
May 12 Replaced on Select File 1995
May 12 Referred for engrossment 2004
May 12 Correctly engrossed 2005
May 17 Final Reading 2089
May 17 Correctly enrolled 2101
May 17 Speaker signed 2102
May 17 Presented to Governor 2104
May 24 Returned by Governor without approval 2175
May 25 Barnett motion to override veto pending 2197
June 1 Passed over Governor's veto 2268
June 1 Communication. Certificate 2277
June 1 Letter 2286

LEGISLATIVE BILL 39 By Judiciary Committee

Jan. 6 Read first time 103
Jan. 6 Referred to Committee on Judiciary 112
Jan. 18 Notice of hearing 194
Feb. 2 Placed on General File 352
Mar. 1 Attorney General Opinion 648
Mar. 7 Koch motion to return to committee lost 727
Apr. 19 Referred for review 1508
Apr. 28 Placed on Select File 1683
May 3 Referred for engrossment 1793
May 12 Replaced on Select File 1995
May 12 Referred for engrossment 2004
May 12 Correctly engrossed 2005
May 17 Final Reading 2090
May 17 Correctly enrolled 2101
May 17 Speaker signed 2102
May 17 Presented to Governor. Kelly explanation of vote 2104
May 24 Returned by Governor without approval 2175

May	25	Barnett motion to override veto pending	2197
June	1	Passed over Governor's veto	2269
June	1	Communication	2277
June	1	Certificate	2278
June	1	Letter	2287

LEGISLATIVE BILL 40 By Judiciary Committee

Jan.	6	Read first time	107
Jan.	6	Referred to Committee on Judiciary	112
Jan.	18	Notice of hearing	194
Feb.	2	Placed on General File	352
Mar.	1	Attorney General Opinion	648
Mar.	7	Koch motion to return to committee lost	727
Apr.	19	Referred for review	1508
Apr.	19	Barnett amendment printed	1509
Apr.	19	George amendment printed	1510
Apr.	28	Placed on Select File	1684
Apr.	28	Barnett amendments printed	1712
May	4	Barnett and George amendments withdrawn. Barnett, George and Venditte amendments adopted. Simon amendment lost	1806
May	4	Referred for engrossment	1808
May	12	Replaced on Select File	1995
May	12	Referred for engrossment	2004
May	12	Correctly engrossed	2005
May	17	Final Reading	2092
May	17	Hasebroock and Stoney explanations of vote	2096
May	17	Clark, Rasmussen and Simon explanations of vote	2097
May	17	Correctly enrolled	2101
May	17	Speaker signed	2102
May	17	Presented to Governor	2104
May	24	Returned by Governor without approval	2175
May	25	Barnett motion to override veto pending	2197
June	1	Passed over Governor's veto	2269
June	1	Communication. Certificate	2278
June	1	Letter	2288

LEGISLATIVE BILL 41 By Judiciary Committee

Jan.	6	Read first time	108
Jan.	6	Referred to Committee on Judiciary	112
Jan.	18	Notice of hearing	194
Feb.	2	Placed on General File	352
Mar.	1	Attorney General Opinion	648

Mar.	7	Koch motion to return to committee lost	727
Apr.	19	Referred for review	1508
Apr.	28	Placed on Select File	1685
Apr.	28	Barnett amendments printed	1713
May	4	Barnett amendments adopted. Referred for engrossment	1811
May	12	Replaced on Select File	1996
May	12	Referred for engrossment	2004
May	17	Final Reading	2094
May	17	Correctly enrolled	2101
May	17	Speaker signed	2102
May	17	Presented to Governor	2104
May	24	Returned by Governor without approval	2175
May	25	Barnett motion to override veto pending	2197
June	1	Passed over Governor's veto	2270
June	1	Communication. Certificate	2279
June	1	Letter	2288

LEGISLATIVE BILL 42 By Warner

Jan.	6	Read first time	109
Jan.	6	Referred to Committee on Revenue	112
Jan.	11	Notice of hearing	149
Mar.	24	Placed on General File	1029

LEGISLATIVE BILL 43 By Bereuter

Jan.	6	Read first time	110
Jan.	6	Referred to Committee on Public Health and Welfare	112
Jan.	18	Notice of hearing	192
Feb.	25	Indefinitely postponed	601
Mar.	1	Bereuter motion to place on General File pending	665
Mar.	3	Bereuter pending motion lost	703

LEGISLATIVE BILL 44 By Koch

Jan.	6	Read first time	110
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan.	11	Notice of hearing	148
Jan.	17	Notice of hearing cancelled	178
Feb.	2	Notice of hearing reset	341
Feb.	25	Attorney General Opinion	603
Mar.	25	Placed on General File	1058
May	24	Bereuter name added	2192

LEGISLATIVE BILL 45 By Murphy

Jan.	6	Read first time	110
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan.	11	Notice of hearing	148
Feb.	22	Placed on General File	555
Mar.	3	Bracketed	695
Mar.	16	Referred for review. DeCamp amendment printed	880
Mar.	18	Placed on Select File	915
Mar.	22	Bracketed	990
Mar.	30	Laid over	1183
Apr.	1	DeCamp amendment pending	1222
Apr.	1	DeCamp amendment lost	1223
Apr.	1	Murphy amendment adopted	1225
Apr.	1	Referred for engrossment	1226
Apr.	5	Replaced on Select File	1257
Apr.	6	Laid over	1314
Apr.	13	Referred for engrossment	1383
Apr.	13	Mills motion to return to Select File lost	1387
Apr.	14	Attorney General Opinion	1411
Apr.	15	Replaced on Select File	1418
Apr.	15	Murphy material printed	1435
Apr.	18	Referred for engrossment	1472
Apr.	20	Correctly engrossed	1523
Apr.	20	Attorney General Opinion	1534
Apr.	25	DeCamp motion to return to Select File lost. Final Reading.	1604
Apr.	25	Mills explanation of vote. Correctly enrolled. Speaker signed	1620
Apr.	25	Presented to Governor	1624
Apr.	26	Returned by Governor without approval	1634
Apr.	26	Murphy motion to override veto pending	1650
May	2	Murphy pending motion lost	1741

LEGISLATIVE BILL 46 By Murphy

Jan.	6	Read first time	110
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan.	11	Notice of hearing	148
Feb.	22	Placed on General File	555
Mar.	9	Bracketed	695
Mar.	16	Bracketed	884
Apr.	20	Attorney General Opinion	1535

May	9	Unbracketed	1906
May	9	Murphy and Duis amendments adopted. Cullan amendment lost. Referred for review	1912
May	10	Placed on Select File	1942
May	16	Murphy amendment adopted. Referred for engrossment	2076
May	24	Final Reading	2176
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Returned by Governor without approval	2255
June	1	Murphy motion to override veto pending	2259
June	1	Passed over Governor's veto	2271
June	1	Communication. Certificate	2279
June	1	Letter	2289

LEGISLATIVE BILL 47 By Murphy

Jan.	6	Read first time	110
Jan.	6	Referred to Committee on Public Works	112
Jan.	11	Notice of hearing	149
Jan.	19	Warner name added. Murphy name withdrawn	210
Jan.	25	Placed on General File	279
Jan.	26	Kremer amendment adopted. Referred for review	287
Jan.	31	Placed on Select File	316
Feb.	1	Referred for engrossment	331
Feb.	2	Correctly engrossed	348
Feb.	7	Final Reading	376
Feb.	8	Correctly enrolled. President signed	390
Feb.	9	Presented to Governor	405
Feb.	15	Approved by Governor	474

LEGISLATIVE BILL 48 By Murphy

Jan.	6	Read first time	110
Jan.	6	Referred to Committee on Banking, Commerce and Insurance	112
Jan.	31	Notice of hearing	321
Mar.	17	Placed on General File	896

LEGISLATIVE BILL 49 By Swigart

Jan.	6	Read first time	111
Jan.	6	Referred to Committee on Public Health and Welfare	112
Jan.	11	Notice of hearing	149

Jan.	24	Placed on General File	248
Jan.	25	Referred for review	282
Jan.	27	Placed on Select File	297
Jan.	31	Chambers and Swigart amendments adopted. Referred for engrossment	317
Feb.	2	Replaced on Select File	340
Feb.	3	Referred for engrossment	362
Feb.	7	Correctly engrossed	373
Feb.	10	Final Reading	419
Feb.	11	Correctly enrolled	441
Feb.	11	President signed	442
Feb.	14	Presented to Governor	460
Feb.	22	Approved by Governor	552

LEGISLATIVE BILL 50 By Nichol

Jan.	6	Read first time	111
Jan.	6	Referred to Committee on Urban Affairs	112
Jan.	11	Notice of hearing	150
Jan.	24	Placed on General File	268
Jan.	25	Barnett motion to debate lost. Referred for review. Expedited	282
Jan.	25	Duis explanation of vote	284
Jan.	26	Placed on Select File	285
Jan.	26	Referred for engrossment	288
Jan.	27	Correctly engrossed	298
Feb.	2	Attorney General Opinion	338
Feb.	2	Final Reading	342
Feb.	2	Correctly enrolled. President signed	348
Feb.	3	Presented to Governor	359
Feb.	7	Approved by Governor	383

LEGISLATIVE BILL 51 By Rumery

Jan.	6	Read first time	111
Jan.	6	Referred to Committee on Public Works	112
Jan.	11	Notice of hearing	149

LEGISLATIVE BILL 52 By DeCamp

Jan.	6	Read first time	111
Jan.	6	Referred to Committee on Agriculture and Environment	112
Jan.	19	Notice of hearing	209
Jan.	27	Notice of hearing cancelled	314
Feb.	17	Notice of hearing reset	519
Apr.	19	Placed on General File	1513

May	5	DeCamp amendment printed	1832
May	10	Schmit-DeCamp amendments printed	1951
May	13	DeCamp amendments withdrawn. Referred for review	2024
May	16	Placed on Select File	2056
May	18	DeCamp amendment re-offered and adopted. Referred for engrossment	2127
May	23	Replaced on Select File	2143
May	23	Referred for engrossment	2151
May	23	Correctly engrossed	2152
May	25	Final Reading	2246
May	25	Correctly enrolled. President signed. Mills explanation of vote	2248
May	25	Presented to Governor	2252
June	1	Became law without Governor's signature	2264
June	1	Letter. Certificate	2274

LEGISLATIVE BILL 52A By DeCamp

May	13	Read first time. Placed on General File	2044
May	13	Referred for review	2053
May	16	Placed on Select File	2067
May	18	Laid over	2127
May	23	Returned to General File for DeCamp amendment. DeCamp amendment adopted. Indefinitely postponed	2173

LEGISLATIVE BILL 53 By DeCamp

Jan.	6	Read first time	111
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan.	11	Notice of hearing	148
Feb.	11	Indefinitely postponed	455

LEGISLATIVE BILL 54 By DeCamp

Jan.	6	Read first time	111
Jan.	6	Referred to Committee on Government, Military and Veterans Affairs	112
Jan.	11	Notice of hearing	148
Feb.	7	Indefinitely postponed	382

LEGISLATIVE BILL 55 By DeCamp

Jan.	6	Read first time	112
Jan.	10	Referred to Committee on Public Works	132
Feb.	1	Notice of hearing	327
Mar.	23	Indefinitely postponed	1007

LEGISLATIVE BILL 56 By DeCamp

Jan.	6	Read first time	113
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	27	Schmit motion to re-refer pending	305
Jan.	27	Bereuter motion to debate withdrawn	314
Jan.	31	Schmit pending motion lost	322
Feb.	2	Notice of hearing	341
Mar.	22	Indefinitely postponed	992

LEGISLATIVE BILL 57 By Nichol

Jan.	6	Read first time	113
Jan.	10	Referred to Committee on Urban Affairs	132
Jan.	19	Notice of hearing	203
Jan.	27	Placed on General File	314
Feb.	7	Referred for review	384
Feb.	9	Placed on Select File	406
Feb.	10	Referred for engrossment	420
Feb.	11	Correctly engrossed	455
Feb.	16	Final Reading	498
Feb.	17	Correctly enrolled	518
Feb.	17	President signed	519
Feb,	18	Presented to Governor	528
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 58 By Nichol

Jan.	6	Read first time	113
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	132
Jan.	25	Notice of hearing	283
Feb.	24	Placed on Select File	581
Mar.	10	Referred for review	798
Mar.	14	Placed on Select File	816
Mar.	15	Referred for engrossment	852
Mar.	16	Correctly engrossed	880

Mar.	21	Final Reading	937
Mar.	21	Stoney and Savage explanations of vote	948
Mar.	22	Correctly enrolled. President signed	977
Mar.	23	Presented to Governor	1007
Mar.	24	Carsten explanation of vote	1047
Mar.	28	Approved by Governor	1090

LEGISLATIVE BILL 59 By Fowler

Jan.	6	Read first time	113
Jan.	10	Referred to Committee on Business and Labor	132
Jan.	11	Notice of hearing	148
Feb.	24	Indefinitely postponed	595

LEGISLATIVE BILL 60 By Fowler

Jan.	6	Read first time	113
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Feb.	9	Placed on General File	410
Feb.	17	Referred for review	520
Feb.	22	Placed on Select File	545
Feb.	23	Referred for engrossment	567
Feb.	24	Correctly engrossed	586
Mar.	1	Final Reading	653
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 61 By Swigart

Jan.	6	Read first time	113
Jan.	10	Referred to Committee on Urban Affairs	132
Feb.	2	Notice of hearing	341
Mar.	15	Placed on General File	856
Mar.	24	Laid over	1046
Mar.	25	Laid over	1080
Mar.	31	Referred for review	1203
Apr.	4	Placed on Select File	1231
Apr.	5	Fowler amendment pending. Laid over	1265
Apr.	6	Fowler amendments adopted. Referred for engrossment	1307
Apr.	12	Replaced on Select File	1325
Apr.	13	Referred for engrossment	1384
Apr.	14	Correctly engrossed	1413

Apr. 19 Final Reading 1484
Apr. 20 Correctly enrolled 1523
Apr. 20 President signed 1524
Apr. 21 Presented to Governor 1551
Apr. 29 Approved by Governor 1717

LEGISLATIVE BILL 62 By Chambers

Jan. 6 Read first time 114
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 132
Jan. 11 Notice of hearing 148
Mar. 31 Chambers motion to place on General File pending 1207
Apr. 6 Chambers motion renewed - pending 1303
Apr. 6 Chambers pending motion laid over 1306
Apr. 6 Chambers pending motion lost. Indefinitely postponed. Chambers motion to reconsider laid over 1365
Apr. 18 Chambers pending motion prevailed. Placed on General File 1460

LEGISLATIVE BILL 63 By Chambers

Jan. 6 Read first time 114
Jan. 10 Referred to Committee on Government, Military and Veterans Affairs 132
Jan. 11 Notice of hearing 148

LEGISLATIVE BILL 64 By Chambers

Jan. 6 Read first time 114
Jan. 10 Referred to Committee on Judiciary 132
Jan. 25 Notice of hearing 280
Feb. 9 Placed on General File 411
Feb. 16 Simon amendment pending. Bracketed 505
Feb. 25 Attorney General Opinion 601
Mar. 14 Bracketed 830
Mar. 28 Laid over 1120
Mar. 30 Simon amendment withdrawn. Rasmussen motion to indefinitely postpone withdrawn. Simon re-offered amendment adopted. Rasmussen motion to indefinitely postpone lost 1169
Mar. 30 DeCamp amendments printed 1172
Mar. 31 DeCamp amendments withdrawn. Failed to advance for review 1197

Apr.	12	Barnett amendments printed	1333
Apr.	12	Attorney General Opinion	1335
Apr.	12	Attorney General Opinion	1343
Apr.	12	Attorney General Opinion	1346
Apr.	12	Simon amendment printed	1366
Apr.	15	Attorney General Opinion	1432
Apr.	25	Simon amendments withdrawn. Simon re-offered amendments adopted. Barnett amendments withdrawn. Indefinitely postponed	1610
Apr.	25	Merz motion to reconsider pending	1621
May	2	Merz pending motion prevailed. Placed on General File. Bracketed	1755

LEGISLATIVE BILL 65 By Chambers

Jan.	6	Read first time	114
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Feb.	28	Placed on General File	640

LEGISLATIVE BILL 66 By Chambers

Jan.	6	Read first time	114
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Feb.	7	Placed on General File	375
Feb.	11	Referred for review	455
Feb.	16	Referred for engrossment	501
Feb.	17	Correctly engrossed	518
Feb.	23	Final Reading	565
Feb.	24	Correctly enrolled	586
Feb.	24	President signed	587
Feb.	25	Presented to Governor	619
Feb.	25	DeCamp explanation of vote	622
Mar.	2	Approved by Governor	668

LEGISLATIVE BILL 67 By Chambers

Jan.	6	Read first time	114
Jan.	10	Referred to Committee on Revenue	132
Jan.	18	Notice of hearing	192
Feb.	7	Indefinitely postponed	375

LEGISLATIVE BILL 68 By Koch

Jan.	6	Read first time	114
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	11	Notice of hearing	148
Jan.	27	Indefinitely postponed	314

LEGISLATIVE BILL 69 By Koch

Jan.	6	Read first time	115
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Feb.	7	Indefinitely postponed	376
Feb.	9	Koch motion to place on General File pending	410
Feb.	15	Koch pending motion lost	479

LEGISLATIVE BILL 70 By Burrows

Jan.	6	Read first time	115
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Feb.	9	Indefinitely postponed	411

LEGISLATIVE BILL 71 By Marsh

Jan.	6	Read first time	115
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	11	Notice of hearing	148
Mar.	23	Indefinitely postponed	1007

LEGISLATIVE BILL 72 By Marsh

Jan.	6	Read first time	115
Jan.	10	Referred to Committee on Public Health and Welfare	132
Jan.	11	Notice of hearing	149
Jan.	24	Placed on General File	248
Jan.	25	Referred for review	282
Jan.	27	Placed on Select File	297
Jan.	31	Fowler amendment adopted. Referred for engrossment	318
Feb.	2	Replaced on Select File	340

Feb.	3	Referred for engrossment	362
Feb.	7	Correctly engrossed	373
Feb.	10	Final Reading	419
Feb.	11	Correctly enrolled	441
Feb.	11	President signed	442
Feb.	14	Presented to Governor	460
Feb.	22	Approved by Governor	552
Apr.	27	Attorney General Opinion	1668

LEGISLATIVE BILL 73 By Marsh

Jan.	6	Read first time	115
Jan.	10	Referred to Committee on Public Health and Welfare	132
Jan.	11	Notice of hearing	149
Jan.	31	Placed on General File	316
Feb.	7	Referred for review	384
Feb.	9	Placed on Select File	406
Feb.	10	Referred for engrossment	421
Feb.	11	Correctly engrossed	455
Feb.	16	Final Reading	498
Feb.	17	Correctly enrolled	518
Feb.	17	President signed	519
Feb.	18	Presented to Governor	528
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 74 By Marsh

Jan.	6	Read first time	115
Jan.	10	Referred to Committee on Urban Affairs	132
Jan.	19	Notice of hearing	203
Mar.	15	Placed on General File	862
Mar.	24	Referred for review	1048
Mar.	28	Placed on Select File	1092
Mar.	29	Referred for engrossment	1137
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1234
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 75 By Marsh

Jan.	6	Read first time	116
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	132

Jan.	11	Notice of hearing	148
Jan.	17	Reutzel name added	178
Feb.	28	Placed on General File	630
Mar.	29	Koch amendments printed	1144
May	9	Schmit aendment to Committee amendment adopted. Committee amendment as amended lost. Koch pending amendment lost	1931
May	10	Reutzel amendments printed	1941

LEGISLATIVE BILL 76 By Simon

Jan.	6	Read first time	116
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	132
Jan.	11	Notice of hearing	148

LEGISLATIVE BILL 77 By Schmit

Jan.	6	Read first time	116
Jan.	10	Referred to Committee on Banking, Commerce and Insurance	132
Jan.	18	Notice of hearing	191
Feb.	8	Placed on General File	389
Mar.	15	Mills motion to bracket lost. Referred for review	863
Mar.	17	Placed on Select File	889
Mar.	18	Murphy motion to indefinitely postpone pending	920
Mar.	23	Murphy pending motion lost. Mills and Murphy amendments lost. Referred for engrossment	1008
Mar.	23	Mills explanation of vote	1020
Mar.	24	Correctly engrossed	1039
Mar.	30	Laid over	1162
Mar.	30	Bracketed	1168
Apr.	5	Final Reading	1259
Apr.	6	Correctly enrolled	1293
Apr.	6	Speaker signed	1298
Apr.	12	Presented to Governor	1322
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 78 By Cope and F. Lewis

Jan.	6	Read first time	116
Jan.	10	Referred to Committee on Revenue	132
Jan.	18	Notice of hearing	192
Feb.	8	Indefinitely postponed	389

LEGISLATIVE BILL 79 By Cope

Jan.	6	Read first time	116
Jan.	10	Referred to Committee on Education	132
Jan.	25	Notice of hearing	280
Feb.	11	Placed on General File	454
Feb.	18	Laid over	538
Mar.	15	Koch amendment pending	857
Mar.	15	Koch pending amendment withdrawn. Cope, Barnett, and Koch amendments adopted. Mills amendment lost. Dworak motion to indefinitely postpone lost. Referred for review	858
Mar.	17	Placed on Select File	889
Mar.	18	Bracketed	920
Mar.	23	Referred for engrossment	1021
Mar.	24	Correctly engrossed	1039
Mar.	30	Final Reading	1163
Mar.	30	Stoney and Mills explanations of vote	1169
Mar.	31	Correctly enrolled. President signed	1190
Apr.	1	Presented to Governor	1217
Apr.	12	Returned by Governor without approval	1321
Apr.	18	Motion to override veto lost	1459

LEGISLATIVE BILL 79A By Cope

Feb.	16	Read first time. Placed on General File	505
Feb.	18	Laid over	538
Mar.	15	Cope amendment adopted. Mills motion to bracket lost. Referred for review	862
Mar.	17	Placed on Select File	889
Mar.	18	Bracketed	920
Mar.	23	Referred for engrossment	1021
Mar.	24	Correctly engrossed	1039
Mar.	30	Final Reading	1163
Mar.	30	Stoney and Mills explanations of vote	1169
Mar.	31	Correctly enrolled. President signed	1190
Apr.	1	Presented to Governor	1217
Apr.	12	Returned by Governor without approval	1321

LEGISLATIVE BILL 80 By Cope

Jan.	6	Read first time	116
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Feb.	2	Notice of hearing	341
Mar.	22	Placed on General File	990
Mar.	25	Referred for review	1086
Mar.	29	Placed on Select File	1125

Mar.	30	Referred for engrossment	1183
Apr.	1	Replaced on Select File	1214
Apr.	4	Referred for engrossment	1254
Apr.	6	Correctly engrossed	1293
Apr.	14	Final Reading	1396
Apr.	15	Correctly enrolled	1419
Apr.	18	President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	18	Presented to Governor	1466
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 81 By Schmit and Reutzel

Jan.	6	Read first time	117
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	132
Jan.	11	Notice of hearing	148
Feb.	8	Placed on General File	387
Feb.	16	Dworak amendment printed	508
Feb.	17	Rasmussen amendments printed	524
Feb.	18	Koch amendments printed	536
Feb.	24	Dworak pending amendment laid over. Chambers and Kelly amendments printed	585
Mar.	14	Dworak and Rasmussen pending amendments withdrawn. Koch pending amendment adopted. Simon amendment to Koch amendment pending	834
Mar.	15	Simon pending amendment lost. Koch pending amendment lost. Koch pending amendment renewed and lost. Chambers pending amendment withdrawn. Chambers amendment adopted. Kelly and Lamb amendments lost. Referred for review	853
Mar.	17	Placed on Select File	888
Mar.	18	Bracketed	920
Mar.	21	Bracketed	971
Mar.	28	Bereuter amendment printed	1112
Apr.	6	Laid over	1307
Apr.	12	Rasmussen amendment lost. Laid over	1370
Apr.	14	Koch re-offered amendment lost. Rasmussen amendment lost. Beretuer pending amendment withdrawn. Referred for engrossment	1408
Apr.	15	Correctly engrossed	1453
Apr.	21	Final Reading	1551
Apr.	22	Correctly enrolled, President signed	1575
Apr.	25	Presented to Governor	1609
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 81A By Schmit

Feb.	11	Read first time. Placed on General File	450
Mar.	15	Referred for review	854
Mar.	17	Placed on Select File	889
Mar.	18	Bracketed	920
Mar.	21	Bracketed	972
Apr.	6	Laid over	1307
Apr.	14	Referred for engrossment	1413
Apr.	15	Correctly engrossed	1453
Apr.	21	Final Reading	1552
Apr.	22	Correctly enrolled. President signed	1575
Apr.	25	Presented to Governor	1609
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 82 By Hasebroock at request of Governor

Jan.	6	Read first time	117
Jan.	10	Referred to Committee on Appropriations	132
Jan.	11	Notice of hearing	156
Jan.	21	Placed on General File	230
Jan.	24	Referred for review	267
Jan.	26	Placed on Select File	285
Jan.	27	Referred for engrossment	313
Jan.	31	Correctly engrossed	322
Feb.	3	Final Reading	361
Feb.	7	Correctly enrolled. President signed	373
Feb.	8	Presented to Governor	387
Feb.	10	Approved by Governor	437

LEGISLATIVE BILL 83 By Lamb

Jan.	6	Read first time	117
Jan.	10	Referred to Committee on Agriculture and Environment	132
Jan.	19	Notice of hearing	209
Feb.	15	Placed on General File	481
Mar.	3	Referred for review	694
Mar.	7	Placed on Select File	721
Mar.	8	Referred for engrossment	744
Mar.	9	Correctly engrossed	781
Mar.	14	Final Reading	818
Mar.	15	Correctly enrolled. President signed	837
Mar.	16	Presented to Governor	866
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 84 By Hasebroock

Jan.	6	Read first time	117
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	11	Notice of hearing	148
Jan.	27	Indefinitely postponed	309

LEGISLATIVE BILL 85 By Hasebroock

Jan.	6	Read first time	117
Jan.	10	Referred to Committee on Public Works	132
Jan.	11	Notice of hearing	149
Jan.	20	Placed on General File	216
Jan.	21	Referred for review	240
Jan.	25	Placed on Select File	281
Jan.	26	Referred for engrossment	287
Jan.	27	Correctly engrossed	298
Feb.	2	Final Reading	343
Feb.	3	Correctly enrolled. President signed	360
Feb.	7	Presented to Governor	374
Feb.	10	Approved by Governor	437

LEGISLATIVE BILL 86 By Swigart

Jan.	6	Read first time	117
Jan.	10	Referred to Committee on Urban Affairs	132
Feb.	2	Notice of hearing	341
Mar.	15	Placed on General File	862
Mar.	24	Referred for review	1048
Mar.	25	Swigart amendment printed	1057
Mar.	28	Placed on Select File	1092
Mar.	29	Swigart pending amendment adopted. Referred for engrossment	1137
Mar.	31	Replaced on Select File	1191
Apr.	1	Referred for engrossment	1225
Apr.	4	Correctly engrossed	1248
Apr.	12	Final Reading	1326
Apr.	13	Correctly enrolled	1373
Apr.	18	President signed	1459
Apr.	18	Presented to Governor	1466
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 87 By Clark

Jan.	6	Read first time	118
Jan.	10	Referred to Committee on Public Works	132
Jan.	11	Notice of hearing	149
Feb.	1	Notice of hearing continued	327
Mar.	29	Placed on General File	1149

LEGISLATIVE BILL 88 By Labedz at request of Governor

Jan.	6	Read first time	118
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	11	Notice of hearing	148
Feb.	7	Placed on General File	382
Feb.	8	Attorney General Opinion	392
Feb.	15	Labedz amendment adopted. Boughn amendment offered and withdrawn. Brennan motion to bracket lost. Referred for review	488
Feb.	17	Placed on Select File	511
Feb.	18	Laid over	535
Feb.	22	Laid over	552
Feb.	25	Barnett and Labedz amendments adopted. Barnett amendment lost. Newell motion to bracket lost. Referred for engrossment	613
Feb.	28	Barnett amendment printed	639
Mar.	1	Replaced on Select File	651
Mar.	2	Referred for engrossment. Barnett motion to return to Select File lost	682
Mar.	2	Returned to Select File for Labedz amendment. Labedz amendment adopted. Referred for engrossment	683
Mar.	7	Newell motions to return to Select File lost	729
Mar.	9	Correctly engrossed	765
Mar.	11	Returned to Select File for Cullan amendment. Cullan amendment adopted. Referred for re-engrossment	808
Mar.	15	Correctly re-engrossed	837
Mar.	18	Final Reading	915
Mar.	21	Correctly enrolled. President signed	936
Mar.	21	Expedited	960
Mar.	21	Presented to Governor	962
Mar.	22	Approved by Governor	1001

LEGISLATIVE BILL 89 By Goodrich

Jan.	6	Read first time	118
Jan.	10	Referred to Committee on Appropriations	132
Feb.	15	Notice of hearing	480

LEGISLATIVE BILL 90 By Goodrich

Jan.	6	Read first time	118
Jan.	10	Referred to Committee on Public Works	132
Jan.	17	Notice of hearing	185
Feb.	16	Placed on General File	495
Mar.	29	Laid over	1153
Mar.	30	Goodrich amendment printed	1168
Apr.	1	Rasmussen motion to indefinitely postpone lost. Goodrich pending amendment adopted. Chambers amendments lost. Referred for review	1226
Apr.	5	Placed on Select File	1257
Apr.	6	Referred for engrossment	1314
Apr.	12	Correctly engrossed	1325
Apr.	15	Chambers motion to return to Select File lost	1419
Apr.	15	Final Reading	1420
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	26	Approved by Governor	1654

LEGISLATIVE BILL 90A By Goodrich

Feb.	23	Read first time. Placed on General File	578
Apr.	1	Referred for review	1228
Apr.	5	Placed on Select File	1257
Apr.	6	Referred for engrossment	1315
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1421
Apr.	15	DeCamp motion to reconsider pending	1435
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Final Reading	1492
Apr.	20	Correctly enrolled	1523
Apr.	20	President signed	1524
Apr.	21	Presented to Governor	1551
Apr.	26	Approved by Governor	1654

LEGISLATIVE BILL 91 By Goodrich

Jan.	6	Read first time	120
Jan.	10	Referred to Committee on Agriculture and Environment	132
Jan.	19	Notice of hearing	209
Mar.	22	Placed on General File	978
Mar.	25	Referred for review	1086
Mar.	29	Placed on Select File	1125
Mar.	30	Bereuter amendment adopted. Bracketed	1183
Apr.	5	Bracketed	1272
Apr.	13	Referred for engrossment	1385
Apr.	15	Replaced on Select File	1418
Apr.	18	Referred for engrossment. Returned to Select File for Kahle amendment	1472
Apr.	18	Kahle amendment adopted. Referred for engrossment	1476
Apr.	20	Replaced on Select File	1522
Apr.	21	Referred for engrossment	1558
Apr.	26	Returned to Select File for Kahle amendment. Kahle amendment adopted. Referred for engrossment	1636
Apr.	27	Replaced on Select File	1659
Apr.	28	Referred for engrossment	1692
May	2	Correctly engrossed	1740
May	5	Final Reading	1829
May	5	Kelly explanation of vote	1858
May	5	Correctly enrolled. President signed	1866
May	5	Presented to Governor	1869
May	10	Approved by Governor	1959

LEGISLATIVE BILL 92 By Goodrich

Jan.	6	Read first time	120
Jan.	10	Referred to Committee on Public Health and Welfare	132
Jan.	18	Notice of hearing	191
Feb.	3	Indefinitely postponed	366
Feb.	9	Goodrich motion to place on General File pending	407
Feb.	16	Goodrich pending motion prevailed. Placed on General File	501
Mar.	1	Goodrich amendment printed	652
Mar.	28	Attorney General Opinion	1104
Apr.	6	Bracketed	1318

LEGISLATIVE BILL 92A By Goodrich

Feb.	22	Read first time. Placed on General File	553

LEGISLATIVE BILL 93 By Goodrich

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Miscellaneous Subjects	132
Jan.	11	Notice of hearing	159
Feb.	22	Placed on General File	555
Apr.	6	Newell amendment lost. Failed to advance for review	1318
Apr.	13	Referred for review	1390
Apr.	15	Placed on Select File	1418
Apr.	18	Referred for engrossment	1477
Apr.	20	Correctly engrossed	1523
Apr.	25	Final Reading	1606
Apr.	25	Mills explanation of vote. Correctly enrolled. Speaker signed	1620
Apr.	25	Presented to Governor	1624
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 94 By Goodrich

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	11	Notice of hearing	148
Feb.	22	Indefinitely postponed	555

LEGISLATIVE BILL 95 By Rasmussen

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	27	Schmit motion to re-refer to committee pending	305
Feb.	1	Schmit pending motion withdrawn	331
Feb.	2	Notice of hearing	340
Feb.	11	Placed on General File	455
Feb.	18	Referred for review	539
Feb.	22	Placed on Select File	547
Feb.	23	Referred for engrossment	568
Feb.	25	Correctly engrossed	619
Mar.	2	Final Reading	675
Mar.	2	Stoney explanation of vote	678
Mar.	2	Mills explanation of vote	680

Mar.	3	Correctly enrolled. President signed	691
Mar.	4	Presented to Governor	706
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 96 By Rasmussen

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Jan.	24	Placed on General File	255
Jan.	25	Referred for review	282
Jan.	27	Placed on Select File	297
Jan.	31	Referred for engrossment	318
Feb.	1	Correctly engrossed	329
Feb.	7	Final Reading	377
Feb.	8	Correctly enrolled. President signed	390
Feb.	9	Presented to Governor	405
Feb.	15	Approved by Governor	474

LEGISLATIVE BILL 97 By Maresh

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Judiciary	132
Jan.	11	Notice of hearing	149
Feb.	7	Indefinitely postponed	376

LEGISLATIVE BILL 98 By Murphy

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	132
Jan.	11	Notice of hearing	148
Feb.	22	Placed on General File	555
Mar.	3	Bracketed	695
Mar.	16	Bracketed	884

LEGISLATIVE BILL 99 By F. Lewis

Jan.	6	Read first time	121
Jan.	10	Referred to Committee on Revenue	132
Jan.	18	Notice of hearing	192
Feb.	11	Placed on General File	440
Feb.	17	Motion to advance for review pending	525
Feb.	18	Laid over	537
Mar.	7	Laid over	733
Mar.	11	Bracketed	811
Mar.	16	Laid over	878

Mar.	21	Bracketed	971
Apr.	21	Bracketed	1572

LEGISLATIVE BILL 100 By R. Lewis

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Public Works	132
Jan.	17	Notice of hearing	185
Feb.	14	Placed on General File	471
Mar.	4	Laid over	710
Mar.	15	Bracketed	863
Mar.	18	Bracketed	929
Mar.	25	R. Lewis amendment printed	1072
Mar.	31	R. Lewis motion to withdraw pending	1202
Apr.	1	Withdrawn	1221

LEGISLATIVE BILL 101 By Moylan

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Public Works	132
Jan.	11	Notice of hearing	149
Jan.	20	Indefinitely postponed	216

LEGISLATIVE BILL 102 By Moylan

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Nebraska Retirement Systems	132
Feb.	7	Notice of hearing	383

LEGISLATIVE BILL 103 By Moylan and Fowler

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Public Health and Welfare	132
Jan.	18	Notice of hearing	192
Feb.	7	Placed on General File	376
Feb.	10	Kelly amendment printed	435
Feb.	11	Bracketed	456
Feb.	17	Bracketed	523
Feb,	23	Committee amendment lost. Moylan amendment adopted. Kelly amendment divided, part 1 withdrawn, parts 2 & 3 pending	577
Feb.	24	Kelly pending amendment part 2 adopted. Maxey amendment to Kelly amendment part 3 lost. Kelly amendment part 3 lost. Referred for review	595

Feb.	28	Placed on Select File	629
Mar.	2	Referred for engrossment	682
Mar.	4	Replaced on Select File	707
Mar.	7	Referred for engrossment	726
Mar.	8	Correctly engrossed	736
Mar.	11	Final Reading	804
Mar.	11	Marsh explanation of vote	807
Mar.	11	Stoney explanation of vote	811
Mar.	14	Correctly enrolled. President signed	817
Mar.	15	Presented to Governor	837
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 104 By Burrows

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Business & Labor	132
Jan.	10	Brennan name added	139
Jan.	17	Notice of hearing	185
Feb.	28	Indefinitely postponed	638
Mar.	9	Attorney General Opinion	767

LEGISLATIVE BILL 105 By Newell

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	132
Jan.	11	Notice of hearing	148

LEGISLATIVE BILL 106 By Newell

Jan.	6	Read first time	122
Jan.	10	Referred to Committee on Revenue	132
Jan.	18	Notice of hearing	192
Feb.	7	Indefinitely postponed	375

LEGISLATIVE BILL 107 By Newell

Jan.	6	Read first time	123
Jan.	10	Referred to Committee on Revenue	132
Feb.	1	Notice of hearing	328
Feb.	7	Notice of hearing cancelled	374
Feb.	9	Notice of hearing reset	407

LEGISLATIVE BILL 108 By R. Lewis

Jan.	6	Read first time	123
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	132
Jan.	11	Notice of hearing	148
Mar.	10	Placed on General File	788

LEGISLATIVE BILL 109 By Constitutional Revision and Recreation Committee

Jan.	6	Read first time	123
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	132
Jan.	11	Notice of hearing	148
Feb.	8	Placed on General File	387
Feb.	24	Bracketed	597
Mar.	11	Koch amendments adopted	811
Mar.	14	Reutzel amendment adopted. Koch amendment lost. Referred for review	831
Mar.	14	Barnett and DeCamp amendments printed	832
Mar.	16	Placed on Select File	866
Mar.	17	Reutzel, Duis and Cullen amendments adopted. Maresh, Newell and Bereuter amendments lost. Failed to advance for engrossment	891
Mar.	17	Kelly amendment printed	908
Mar.	18	Bracketed	920
Mar.	21	Barnett pending amendment withdrawn. Kelly pending amendment lost. Mills and Marsh amendments lost	955
Mar.	21	George and Bereuter amendments adopted. Laid over	957
Mar.	21	Swigart and Simon amendments lost. Failed to advance for engrossment	960
Mar.	21	Bracketed. DeCamp pending amendment withdrawn	971
Mar.	23	Koch amendment printed	1008
Mar.	25	Laid over	1057
Mar.	28	DeCamp amendment lost. Failed to advance for engrossment	1100
Mar.	28	Attorney General Opinion	1102
Mar.	29	Laid over	1138
Mar.	29	Simon amendment printed	1139
Mar.	30	Koch pending amendment lost. Simon pending amendment withdrawn. Simon amendment lost. Laid over	1185
Apr.	1	Bracketed	1226

Apr.	5	Boughn amendment printed	1266
Apr.	5	Bracketed. Boughn pending amendment withdrawn	1273
Apr.	14	Bracketed	1415

LEGISLATIVE BILL 109A By Constitutional Revision and Recreation Committee

Feb.	14	Read first time. Placed on General File	470
Feb.	24	Bracketed	597
Mar.	14	Referred for review	832
Mar.	16	Placed on Select File	867
Mar.	18	Bracketed	920
Mar.	21	Bracketed	971
Mar.	23	George amendments printed	1027
Mar.	25	Laid over	1057
Mar.	29	Laid over	1138
Apr.	1	Bracketed	1226
Apr.	5	Bracketed	1273
Apr.	14	Bracketed	1415

LEGISLATIVE BILL 110 By Agriculture and Environment Committee

Jan.	6	Read first time	123
Jan.	10	Referred to Committee on Agriculture and Environment	132
Jan.	19	Notice of hearing	209
Mar.	22	Placed on General File	995
Mar.	25	Referred for review	1086
Mar.	29	Placed on Select File	1125
Mar.	30	Bracketed	1183
Apr.	5	Bracketed	1272
Apr.	14	Schmit amendment pending. Laid over	1414
Apr.	18	Schmit pending amendment adopted. Referred for engrossment	1476
Apr.	20	Replaced on Select File	1522
Apr.	21	Referred for engrossment	1558
Apr.	25	Correctly engrossed	1609
Apr.	28	Final Reading	1688
Apr.	29	Correctly enrolled. President signed	1718
Apr.	29	Mills explanation of vote	1723
May	2	Presented to Governor	1737
May	6	Approved by Governor. Line-item veto. Letter	1879
May	16	Delivered to Secretary of State	2057
May	16	Letter	2081

LEGISLATIVE BILL 111 By Stoney

Jan.	6	Read first time	123
Jan.	10	Referred to Committee on Judiciary	136
Jan.	25	Notice of hearing	280
Mar.	9	Placed on General File	779
Mar.	17	Referred for review	912
Mar.	21	Placed on Select File	936
Mar.	22	Referred for engrossment	989
Mar.	24	Correctly engrossed	1039
Mar.	30	Final Reading	1164
Mar.	30	Stoney and Mills explanations of vote	1169
Mar.	31	Correctly enrolled. President signed	1190
Apr.	1	Presented to Governor	1217
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 112 By Stoney

Jan.	6	Read first time	123
Jan.	10	Referred to Committee on Judiciary	136
Feb.	3	Notice of hearing	358
Mar.	14	Placed on General File	829
Mar.	24	Referred for review	1043
Mar.	28	Placed on Select File	1091
Mar.	29	Referred for engrossment	1136
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1235
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 113 By Stoney

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Public Works	136
Jan.	11	Notice of hearing	149
Jan.	25	Indefinitely postponed	280

LEGISLATIVE BILL 114 By Stoney

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Judiciary	136
Jan.	25	Notice of hearing	281
Feb.	23	Placed on General File	575
Apr.	13	Laid over	1393

Apr.	13	Chambers motion to indefinitely postpone lost	1394
Apr.	20	Bracketed	1541
May	9	Simon and F. Lewis amendments adopted. Objection to Stoney withdrawing name. Indefinitely postponed by Stoney motion	1917

LEGISLATIVE BILL 115 By Stoney

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Public Health and Welfare	136
Jan.	18	Notice of hearing	192
Feb.	3	Placed on General File	366
Feb.	9	Referred for review	409
Feb.	11	Placed on Select File	441
Feb.	14	Stoney amendments adopted. Referred for engrossment	461
Feb.	16	Replaced on Select File	497
Feb.	17	Referred for engrossment	522
Feb.	18	Correctly engrossed	540
Feb.	24	Final Reading	583
Feb.	25	Correctly enrolled. President signed	619
Feb.	28	Presented to Governor	630
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 116 By Kremer

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Public Works	136
Jan.	11	Notice of hearing	149
Jan.	20	Placed on General File	216
Jan.	21	Referred for review	240
Jan.	25	Placed on Select File	281
Jan.	26	Referred for engrossment	287
Jan.	27	Correctly engrossed	298
Feb.	2	Final Reading	343
Feb.	3	Correctly enrolled. President signed	360
Feb.	7	Presented to Governor	374
Feb.	10	Approved by Governor	437

LEGISLATIVE BILL 117 By Cullan

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Education	136
Jan.	18	Notice of hearing	200
Jan.	27	Placed on General File	304

Feb.	1	Referred for review	336
Feb.	3	Placed on Select File	360
Feb.	7	Referred for engrossment	378
Feb.	8	Correctly engrossed	390
Feb.	11	Final Reading	444
Feb.	14	Correctly enrolled. Speaker signed	460
Feb.	15	Presented to Governor	478
Feb.	22	Approved by Governor	552

LEGISLATIVE BILL 118 By Kelly

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Judiciary	136
Jan.	25	Notice of hearing	281
Feb.	7	Placed on General File	385
Feb.	16	Referred for review	505
Feb.	18	Placed on Select File	527
Feb.	22	Referred for engrossment	552
Feb.	24	Correctly engrossed	586
Mar.	1	Final Reading	654
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 119 By Kelly

Jan.	6	Read first time	124
Jan.	10	Referred to Committee on Public Health and Welfare	136
Jan.	20	Notice of hearing	221
Feb.	3	Placed on General File	366
Feb.	9	Referred for review	409
Feb.	11	Placed on Select File	441
Feb.	14	Referred for engrossment	462
Feb.	15	Correctly engrossed	478
Feb.	18	Final Reading	530
Feb.	22	Correctly enrolled. President signed	547
Feb.	23	Presented to Governor	568
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 120 By Kelly

Jan.	6	Read first time	125
Jan.	10	Referred to Committee on Judiciary	136
Jan.	25	Notice of hearing	281
Feb.	16	Indefinitely postponed	506

LEGISLATIVE BILL 121 By Kelly

Jan.	6	Read first time	125
Jan.	10	Referred to Committee on Judiciary	136
Jan.	25	Notice of hearing	281
Mar.	22	Placed on General File	995
Apr.	6	Kelly amendments printed	1317
Apr.	15	Kelly and Nichol amendments printed	1439
Apr.	29	Attorney General Opinion	1719

LEGISLATIVE BILL 122 By Kelly

Jan.	6	Read first time	125
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	21	Notice of hearing	229
Feb.	7	Placed on General File	382
Feb.	15	Referred for review	489
Feb.	17	Placed on Select File	512
Feb.	18	Referred for engrossment	535
Feb.	22	Correctly engrossed	547
Feb.	25	Final Reading	606
Feb.	28	Correctly enrolled. Speaker signed	630
Mar.	1	Presented to Governor	651
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 123 By Mills

Jan.	6	Read first time	125
Jan.	10	Referred to Committee on Public Works	136
Jan.	11	Notice of hearing	149
Feb.	1	Placed on General File	328
Feb.	8	Laid over	395
Feb.	9	Referred for review	407
Feb.	11	Placed on Select File	440
Feb.	14	Referred for engrossment	461
Feb.	14	Kelly motion to return to Select File pending	471
Feb.	15	Returned to Select File for Kelly amendment. Kelly amendment adopted. Referred for engrossment. Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment. Mills motion to return to Select File pending	476
Feb.	16	Mills pending motion prevailed. Mills amendment adopted. Indefinitely postponed	502

LEGISLATIVE BILL 124 By Kahle

Jan.	6	Read first time 125
Jan.	10	Referred to Committee on Judiciary 136
Jan.	25	Notice of hearing 281
Mar.	16	Placed on General File 875
Mar.	25	Referred for review 1081
Mar.	29	Placed on Select File 1123
Mar.	30	Bracketed 1181
Apr.	4	Fowler amendment printed 1251
Apr.	5	Fowler pending amendment adopted. Referred for engrossment 1273
Apr.	12	Correctly engrossed 1325
Apr.	15	Final Reading 1422
Apr.	18	Correctly enrolled. President signed 1459
Apr.	18	Luedtke explanation of vote 1465
Apr.	19	Presented to Governor 1479
Apr.	25	Approved by Governor 1624

LEGISLATIVE BILL 125 By Kahle

Jan.	6	Read first time 125
Jan.	10	Referred to Committee on Judiciary 136
Jan.	25	Notice of hearing 281
Feb.	16	Placed on General File 506
Mar.	3	Referred for review 694
Mar.	4	Placed on Select File 722
Mar.	8	Simon amendment adopted. Referred for engrossment 744
Mar.	10	Replaced on Select File 786
Mar.	11	Referred for engrossment 806
Mar.	11	Returned to Select File for Simon amendment 807
Mar.	11	Simon amendment adopted. Referred for engrossment 808
Mar.	15	Correctly engrossed 837
Mar.	18	Final Reading 916
Mar.	21	Correctly enrolled. President signed 936
Mar.	22	Presented to Governor 977
Mar.	28	Approved by Governor 1090

LEGISLATIVE BILL 126 By Kahle

Jan.	6	Read first time 125
Jan.	10	Referred to Committee on Judiciary 136
Jan.	25	Notice of hearing 281

Feb.	16	Placed on General File	506
Mar.	4	Referred for review	715
Mar.	8	Placed on Select File	735
Mar.	9	DeCamp motion to indefinitely postpone pending	777
Mar.	11	DeCamp pending motion withdrawn. DeCamp amendment pending. Bracketed	805
Mar.	16	Laid over	871
Mar.	22	DeCamp pending amendment adopted. Chambers amendment adopted. Referred for engrossment	989
Mar.	24	Correctly engrossed	1039
Mar.	30	Final Reading	1165
Mar.	30	Stoney and Mills explanations of vote	1169
Mar.	31	Correctly enrolled. President signed	1190
Apr.	1	Presented to Governor	1217
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 127 By Mills

Jan.	6	Read first time	126
Jan.	10	Referred to Committee on Revenue	136
Jan.	18	Notice of hearing	192
Feb.	11	Indefinitely postponed	440

LEGISLATIVE BILL 128 By Mills

Jan.	6	Read first time	126
Jan.	10	Referred to Committee on Business & Labor	136
Feb.	2	Notice of hearing	348
Mar.	16	Placed on General File	869

LEGISLATIVE BILL 129 By Mills

Jan.	6	Read first time	126
Jan.	10	Referred to Committee on Constitutional Revision and Recreation	136
Jan.	11	Notice of hearing	148
Feb.	8	Placed on General File	387
Feb.	17	Referred for review	519
Feb.	22	Placed on Select File	545
Feb.	23	Lamb amendment adopted. F. Lewis motion to indefinitely postpone pending	566
Feb.	25	F. Lewis pending motion withdrawn. Mills amendment adopted. Referred for engrossment	613

Feb.	28	Correctly engrossed	635
Mar.	3	Final Reading	692
Mar.	3	Mills and Kelly explanations of vote	699
Mar.	4	Correctly enrolled. President signed	707
Mar.	7	Presented to Governor	721
Mar.	10	Approved by Governor	790

LEGISLATIVE BILL 130 By Burrows

Jan.	6	Read first time	126
Jan.	10	Referred to Committee on Judiciary	136
Jan.	19	Re-referred to Committee on Agriculture and Environment	212
Jan.	31	Notice of hearing	320
Feb.	3	Notice of hearing cancelled. Notice of hearing reset	361
Mar.	18	Attorney General Opinion	925

LEGISLATIVE BILL 131 By R. Lewis

Jan.	6	Read first time	128
Jan.	10	Referred to Committee on Revenue	136
Jan.	26	Notice of hearing	286
Feb.	14	Attorney General Opinion	464
Mar.	16	Placed on General File	881
Mar.	23	Attorney General Opinion	1011
Apr.	12	R. Lewis amendments printed	1355
Apr.	21	DeCamp amendments printed	1554
Apr.	27	R. Lewis and DeCamp amendments adopted	1657
Apr.	27	DeCamp amendment adopted. Referred for review	1671
Apr.	29	Placed on Select File	1718
Apr.	29	Koch and F. Lewis amendments printed	1728
Apr.	29	R. Lewis amendment printed	1729
May	4	Fowler amendment printed	1825
May	5	Koch pending amendment withdrawn. R. Lewis, Koch and DeCamp amendments adopted. F. Lewis pending amendment withdrawn. Referred for engrossment	1864
May	6	Replaced on Select File	1872
May	9	Referred for engrossment	1907
May	9	Attorney General Opinion	1909
May	10	DeCamp amendments printed	1955
May	12	Returned to Select File for DeCamp modified amendment	2004

May	12	DeCamp amendment adopted. Referred for engrossment	2005
May	16	Replaced on Select File	2055
May	18	Referred for engrossment	2122
May	18	Returned to Select File for Koch amendment. Koch amendment adopted. Referred for engrossment	2127
May	18	Correctly engrossed	2133
May	23	Attorney General Opinion	2171
May	24	Final Reading	2177
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Approved by Governor	2258

LEGISLATIVE BILL 132 By Agriculture and Environment Committee

Jan.	6	Read first time	128
Jan.	10	Referred to Committee on Agriculture and Environment	136
Jan.	19	Notice of hearing	209
Feb.	1	Placed on General File	329
Feb.	8	Referred for review	396
Feb.	10	Placed on Select File	416
Feb.	11	Referred for engrossment	445
Feb.	14	Correctly engrossed	470
Feb.	17	Final Reading	514
Feb.	18	Correctly enrolled. President signed	528
Feb.	22	Presented to Governor	544
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 133 By Agriculture and Environment Committee

Jan.	6	Read first time	128
Jan.	10	Referred to Committee on Agriculture and Environment	136
Jan.	19	Notice of hearing	209
Feb.	1	Placed on General File	329
Feb.	8	Referred for review	397
Feb.	10	Placed on Select File	416
Feb.	11	Referred for engrossment	447
Feb.	14	Correctly engrossed	470
Feb.	17	Final Reading	514
Feb.	18	Correctly enrolled. President signed	528
Feb.	22	Presented to Governor	544
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 134 By Agriculture and Environment Committee

Jan.	6	Read first time	128
Jan.	10	Referred to Committee on Agriculture and Environment	136
Jan.	19	Notice of hearing	209
Feb.	1	Placed on General File	329
Feb.	8	Referred for review	398
Feb.	10	Placed on Select File	416
Feb.	11	Referred for engrossment	447
Feb.	14	Correctly engrossed	470
Feb.	17	Final Reading	515
Feb.	18	Correctly enrolled. President signed	528
Feb.	22	Presented to Governor	544
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 135 By Agriculture and Environment Committee

Jan.	6	Read first time	129
Jan.	10	Referred to Committee on Agriculture and Environment	136
Jan.	19	Notice of hearing	209
Feb.	17	Notice of hearing reset	519

LEGISLATIVE BILL 136 By Moylan

Jan.	10	Read first time	132
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	136
Jan.	20	Notice of hearing	221
Feb.	7	Placed on General File	382
Feb.	15	Referred for review	489
Feb.	17	Placed on Select File	512
Feb.	18	Referred for engrossment	535
Feb.	22	Correctly engrossed	547
Feb.	25	Final Reading	607
Feb.	28	Correctly enrolled. Speaker signed	630
Mar.	1	Presented to Governor	651
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 137 By Marsh

Jan.	10	Read first time	132
Jan.	10	Referred to Committee on Government, Military and Veterans Affairs	136

Feb. 2	Notice of hearing	341
Feb. 22	Placed on General File	557
Mar. 4	Referred for review	716
Mar. 8	Placed on Select File	735
Mar. 9	Referred for engrossment	777
Mar. 10	Correctly engrossed	786
Mar. 15	Final Reading	841
Mar. 15	Stoney explanation of vote	855
Mar. 16	Correctly enrolled. President signed	868
Mar. 17	Presented to Governor	888
Mar. 22	Approved by Governor	974

LEGISLATIVE BILL 138 By R. Lewis

Jan. 10	Read first time	133
Jan. 10	Referred to Committee on Public Health and Welfare	136
Jan. 18	Notice of hearing	191
Feb. 7	Placed on General File	381
Feb. 15	Referred for review	487
Feb. 17	Placed on Select File	511
Feb. 18	Bracketed. R. Lewis amendments printed	534
Feb. 22	R. Lewis amendments adopted. Referred for engrossment	551
Feb. 24	Correctly engrossed	586
Mar. 15	Final Reading	841
Mar. 15	Stoney explanation of vote	855
Mar. 16	Correctly enrolled. President signed	868
Mar. 17	Presented to Governor	888
Mar. 22	Approved by Governor	974

LEGISLATIVE BILL 138A By R. Lewis

Feb. 10	Read first time. Placed on General File	417
Feb. 15	Referred for review	487
Feb. 17	Placed on Select File	511
Feb. 18	Bracketed	534
Feb. 22	R. Lewis amendment adopted. Referred for engrossment	551
Feb. 24	Correctly engrossed	586
Mar. 15	Final Reading	842
Mar. 15	Stoney explanation of vote	855
Mar. 16	Correctly enrolled. President signed	868
Mar. 17	Presented to Governor	888
Mar. 22	Approved by Governor	974

LEGISLATIVE BILL 139 By Nebraska Transportation Advisory Committee

Jan.	10	Read first time	133
Jan.	10	Referred to Committee on Public Works	136
Jan.	26	Notice of hearing	286
Mar.	28	Placed on General File	1092
Apr.	14	Bracketed	1400
Apr.	29	Motion to advance for review pending	1729
Apr.	29	Koch amendment to Keyes amendment lost. Stoney amendment to Keyes amendment adopted. Keyes amendment, as amended lost	1730
Apr.	29	Referred for review	1731
May	2	Placed on Select File	1751
May	3	Kremer amendment adopted. Simon amendment lost. Referred for engrossment	1782
May	4	Correctly engrossed	1813
May	9	Final Reading	1888
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 140 By Reutzel

Jan.	10	Read first time	133
Jan.	10	Referred to Committee on Revenue	136
Jan.	24	Attorney General Opinion	245
Feb.	1	Notice of hearing	328
Mar.	21	Placed on General File	962

LEGISLATIVE BILL 141 By Reutzel

Jan.	10	Read first time	133
Jan.	10	Referred to Committee on Urban Affairs	136
Jan.	19	Notice of hearing	203
Mar.	1	Indefinitely postponed	664

LEGISLATIVE BILL 142 By Bereuter

Jan.	10	Read first time	133
Jan.	11	Referred to Committee on Judiciary	142
Jan.	25	Notice of hearing	281
Mar.	22	Placed on General File	974
Mar.	29	Attorney General Opinion	1150
Apr.	12	Attorney General Opinion	1342

Apr.	14	Bracketed	1399
Apr.	19	Newell amendments printed	1501
Apr.	22	Bereuter amendments printed	1589
Apr.	28	Dworak amendment printed	1707
May	4	Dworak amendment printed	1817
May	5	Bereuter pending amendment renewed. Goodrich amendment lost. Bereuter amendment pending	1865
May	5	Bereuter pending amendment adopted. Cullan motion to bracket lost. F. Lewis amendments printed	1868

LEGISLATIVE BILL 143 By Brennan

Jan.	10	Read first time	134
Jan.	11	Referred to Committee on Business & Labor	142
Jan.	17	Notice of hearing	185
Feb.	15	Indefinitely postponed	474

LEGISLATIVE BILL 144 By Brennan

Jan.	10	Read first time	134
Jan.	11	Referred to Committee on Business & Labor	142
Jan.	17	Notice of hearing	185
Feb.	7	Placed on General File	315
Feb.	15	Kelly motion to bracket lost. Referred for review	490
Feb.	17	Placed on Select File	512
Feb.	18	Referred for engrossment	535
Feb.	22	Correctly engrossed	547
Feb.	25	Final Reading	608
Feb.	28	Correctly enrolled. Speaker signed	630
Mar.	1	Presented to Governor	651
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 145 By Maresh

Jan.	10	Read first time	134
Jan.	11	Referred to Committee on Agriculture and Environment	142
Jan.	19	Notice of hearing	209
Feb.	2	Indefinitely postponed	348

LEGISLATIVE BILL 146 By Maxey

Jan.	10	Read first time	135
Jan.	11	Referred to Committee on Education	142

Jan.	18	Notice of hearing	200
Jan.	27	Placed on General File	304
Feb.	1	Referred for review	336
Feb.	3	Placed on Select File	360
Feb.	7	Referred for engrossment	378
Feb.	8	Correctly engrossed	390
Feb.	11	Final Reading	445
Feb.	14	Correctly enrolled. Speaker signed	460
Feb.	15	Presented to Governor	478
Feb.	22	Approved by Governor	552

LEGISLATIVE BILL 147 By Maxey

Jan.	10	Read first time	135
Jan.	11	Referred to Committee on Public Works	142
Jan.	17	Notice of hearing	185
Mar.	15	Maxey motion to withdraw pending	863
Mar.	16	Maxey pending motion laid over	873
Mar.	23	Indefinitely postponed	1007
Mar.	23	Maxey pending motion prevailed	1025

LEGISLATIVE BILL 148 By Moylan

Jan.	10	Read first time	135
Jan.	11	Referred to Committee on Government, Military and Veterans Affairs	142
Feb.	2	Notice of hearing	341
Apr.	4	Indefinitely postponed	1251

LEGISLATIVE BILL 149 By Dworak

Jan.	10	Read first time	135
Jan.	11	Referred to Committee on Public Works	142
Jan.	27	Notice of hearing	306

LEGISLATIVE BILL 150 By Brennan

Jan.	10	Read first time	135
Jan.	11	Referred to Committee on Urban Affairs	142
Feb.	2	Notice of hearing	341
Mar.	1	Indefinitely postponed	664

LEGISLATIVE BILL 151 By Telecommunications Committee

Jan.	10	Read first time	137
Jan.	11	Referred to Committee on Public Works	142
Jan.	17	Notice of hearing	185

Feb.	1	Notice of hearing reset	327
Feb.	11	Clark motion to withdraw pending	450
Feb.	14	Withdrawn	466
Feb.	18	Notice of hearing cancelled	536

LEGISLATIVE BILL 152 By Dworak

Jan.	10	Read first time	138
Jan.	11	Referred to Committee on Urban Affairs	142
Jan.	19	Notice of hearing	203
Feb.	23	Placed on General File	576
Mar.	10	Referred for review	798
Mar.	14	Placed on Select File	816
Mar.	15	Referred for engrossment	852
Mar.	16	Correctly engrossed	880
Mar.	21	Final Reading	938
Mar.	21	Stoney explanation of vote	948
Mar.	22	Correctly enrolled. President signed	977
Mar.	23	Presented to Governor	1007
Mar.	24	Carsten explanation of vote	1047
Mar.	28	Approved by Governor	1090

LEGISLATIVE BILL 153 By Newell

Jan.	10	Read first time	139
Jan.	11	Referred to Committee on Constitutional Revision and Recreation	142
Jan.	20	Notice of hearing	216

LEGISLATIVE BILL 154 By Newell

Jan.	10	Read first time	140
Jan.	11	Referred to Committee on Business & Labor	142
Jan.	27	Notice of hearing	299
Feb.	28	Indefinitely postponed	638

LEGISLATIVE BILL 155 By Carsten

Jan.	10	Read first time	140
Jan.	11	Referred to Committee on Agriculture and Environment	142
Jan.	19	Notice of hearing	209
Feb.	8	Placed on General File	394
Feb.	17	Referred for review	520
Feb.	22	Placed on Select File	545
Feb.	23	Referred for engrossment	567
Feb.	24	Correctly engrossed	586

Mar.	1	Mills motion to return to Select File lost	654
Mar.	1	Final Reading	655
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	10	Approved by Governor	790

LEGISLATIVE BILL 156 By Venditte

Jan.	10	Read first time	140
Jan.	11	Referred to Committee on Judiciary	142
Feb.	3	Notice of hearing	358
Mar.	28	Indefinitely postponed	1121

LEGISLATIVE BILL 157 By Hasebroock

Jan.	11	Read first time	150
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	186
Jan.	25	Notice of hearing	283
Mar.	10	Placed on General File	794
Mar.	24	Referred for review	1043
Mar.	28	Placed on Select File	1090
Mar.	29	Referred for engrossment	1136
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1236
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 158 By Goodrich

Jan.	11	Read first time	150
Jan.	17	Referred to Committee on Urban Affairs	186
Feb.	2	Notice of hearing	341
Mar.	21	Indefinitely postponed	953

LEGISLATIVE BILL 159 By Goodrich

Jan.	11	Read first time	150
Jan.	17	Referred to Committee on Urban Affairs	186
Feb.	23	Notice of hearing	564
Apr.	14	Placed on General File	1401
Apr.	22	Bracketed	1592
Apr.	26	Unbracketed	1653

LEGISLATIVE BILL 160 By Cullan

Jan.	11	Read first time	150
Jan.	17	Referred to Committee on Revenue	186
Jan.	18	Notice of hearing	192
Mar.	4	Indefinitely postponed	708

LEGISLATIVE BILL 161 By Judiciary Committee

Jan.	11	Read first time	151
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Mar.	25	Placed on General File	1081
Mar.	25	Stoney amendment printed	1082
Mar.	31	Laid over	1208
Apr.	14	Stoney amendment printed	1416
Apr.	15	Stoney pending amendments adopted. Murphy amendment adopted. Referred for review	1451
Apr.	18	Murphy amendment printed	1471
Apr.	19	Placed on Select File	1480
Apr.	21	Murphy pending amendment renewed. Marsh amendment adopted. Murphy amendment, as amended, pending	1563
Apr.	21	Murphy pending amendment adopted. Referred for engrossment	1564
Apr.	25	Replaced on Select File	1602
Apr.	26	Referred for engrossment	1633
Apr.	28	Correctly engrossed	1685
May	3	Final Reading	1771
May	3	Correctly enrolled. President signed	1781
May	3	Presented to Governor	1786
May	9	Approved by Governor	1909

LEGISLATIVE BILL 161A By Barnett

Mar.	31	Read first time. Placed on General File	1209
Apr.	15	Referred for review	1452
Apr.	19	Placed on Select File	1481
Apr.	21	Referred for engrossment	1564
Apr.	28	Correctly engrossed	1685
May	3	Final Reading	1772
May	3	Correctly enrolled. President signed	1781
May	3	Presented to Governor	1786
May	9	Approved by Governor	1909

LEGISLATIVE BILL 162 By Judiciary Committee

Jan.	11	Read first time	151
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Mar.	25	Placed on General File	1082
Mar.	31	Laid over	1209
Apr.	15	Barnett amendment adopted. Referred for review	1452
Apr.	15	Stoney amendment printed	1454
Apr.	19	Placed on Select File	1481
Apr.	21	Stoney pending amendment withdrawn. Stoney amendment adopted. Newell amendment printed. Newell motion to bracket lost. Newell motion to indefinitely postpone pending. Laid over	1564
Apr.	26	Newell pending motion withdrawn. Newell pending amendment adopted. Referred for engrossment	1643
Apr.	28	Replaced on Select File	1676
Apr.	29	Referred for engrossment	1727
May	2	Replaced on Select File	1738
May	3	Referred for engrossment	1775
May	4	Correctly engrossed	1813
May	9	Final Reading	1889
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 163 By Judiciary Committee

Jan.	11	Read first time	151
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Mar.	4	Indefinitely postponed	709

LEGISLATIVE BILL 164 By Judiciary Committee

Jan.	11	Read first time	151
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	281
Mar.	18	Indefinitely postponed	922

LEGISLATIVE BILL 165 By Judiciary Committee

Jan.	11	Read first time	152
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Mar.	3	Placed on General File	701

LEGISLATIVE BILL 166 By Judiciary Committee

Jan.	11	Read first time	152
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	281

LEGISLATIVE BILL 167 By Judiciary Committee

Jan.	11	Read first time	152
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Feb.	2	Placed on General File	352
Feb.	9	Referred for review	408
Feb.	11	Placed on Select File	441
Feb.	14	Referred for engrossment	461
Feb.	15	Correctly engrossed	478
Feb.	18	Final Reading	530
Feb.	22	Correctly enrolled. President signed	547
Feb.	23	Presented to Governor	568
Feb.	25	Approved by Governor	616

LEGISLATIVE BILL 168 By Judiciary Committee

Jan.	11	Read first time	152
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	280
Feb.	25	Placed on General File	623
Mar.	31	Laid over	1210
Apr.	1	Stoney amendment printed	1223

LEGISLATIVE BILL 169 By Judiciary Committee

Jan.	11	Read first time	152
Jan.	17	Referred to Committee on Judiciary	186
Feb.	3	Notice of hearing	359
Mar.	18	Placed on General File	921
Apr.	5	Stoney amendments printed	1283

LEGISLATIVE BILL 170 By Koch

Jan.	11	Read first time	153
Jan.	17	Referred to Committee on Revenue	186
Jan.	26	Notice of hearing	286
Mar.	17	Koch motion to place on General File pending	908
Mar.	24	Koch pending motion prevailed. Placed on General File	1037
Apr.	1	Marvel amendment printed	1228
Apr.	12	Attorney General Opinion	1340

LEGISLATIVE BILL 171 By Bereuter

Jan.	11	Read first time	153
Jan.	17	Referred to Committee on Appropriations	186
Feb.	15	Notice of hearing	480

LEGISLATIVE BILL 172 By Bereuter

Jan.	11	Read first time	153
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	186
Jan.	27	Notice of hearing	306
Feb.	1	Attorney General Opinion	325
Feb.	7	Placed on General File	382
Feb.	15	Bereuter amendment adopted. Referred for review	489
Feb.	17	Placed on Select File	512
Feb.	18	Bereuter amendment offered and withdrawn. E & R amendments withdrawn	535
Feb.	18	Returned to E & R for Review	540
Feb.	22	Placed on Select File	545
Feb.	22	Referred for engrossment	548
Feb.	24	Correctly engrossed	586
Mar.	1	Final Reading	656
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	10	Approved by Governor	790

LEGISLATIVE BILL 173 By Cope

Jan.	11	Read first time	153
Jan.	17	Referred to Committee on Urban Affairs	186
Feb.	2	Notice of hearing	341
Feb.	23	Placed on General File	576
Mar.	31	Referred for review	1210

Apr.	4	Placed on Select File	1233
Apr.	5	Referred for engrossment	1265
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1423
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 174 By Cope

Jan.	11	Read first time	153
Jan.	17	Referred to Committee on Public Works	186
Jan.	26	Notice of hearing	285
Feb.	16	Indefinitely postponed	496

LEGISLATIVE BILL 175 By Judiciary Committee

Jan.	11	Read first time	153
Jan.	17	Referred to Committee on Judiciary	186
Jan.	25	Notice of hearing	281
Feb.	7	Indefinitely postponed	385

LEGISLATIVE BILL 176 By Reutzel

Jan.	11	Read first time	154
Jan.	17	Referred to Committee on Miscellaneous Subjects	186
Jan.	21	Notice of hearing	231
Feb.	15	Placed on General File	474
Mar.	4	Keyes motion to indefinitely postpone lost. Failed to advance for review	711
Mar.	15	Referred for review	863
Mar.	17	Placed on Select File	889
Mar.	18	Referred for engrossment	920
Mar.	21	Correctly engrossed	936
Mar.	24	Final Reading	1032
Mar.	25	Correctly enrolled. President signed	1052
Mar.	28	Presented to Governor	1090
Apr.	5	Approved by Governor	1257

LEGISLATIVE BILL 177 By Dworak

Jan.	11	Read first time	154
Jan.	17	Notice of hearing	185
Jan.	17	Referred to Committee on Business & Labor	186
Feb.	28	Placed on General File	638
Mar.	9	Dworak amendments printed	760

LEGISLATIVE BILL 178 By Venditte

Jan.	11	Read first time	154
Jan.	17	Referred to Committee on Public Works	186
Jan.	27	Notice of hearing	306
Mar.	4	Indefinitely postponed	716

LEGISLATIVE BILL 179 By Chambers

Jan.	11	Read first time	154
Jan.	17	Referred to Committee on Public Health and Welfare	186
Jan.	18	Notice of hearing	192
Feb.	9	Placed on General File	411
Feb.	17	Referred for review	521
Feb.	17	Koch amendment printed	524
Feb.	22	Placed on Select File	545
Feb.	23	Koch pending amendment lost. Referred for engrossment	567
Feb.	24	Correctly engrossed	586
Feb.	24	Goodrich motion to return to Select File for amendment pending	594
Mar.	15	Final Reading	843
Mar.	15	Stoney explanation of vote	855
Mar.	16	Correctly enrolled. President signed	868
Mar.	16	Goodrich pending amendments withdrawn	870
Mar.	17	Presented to Governor	888
Mar.	21	Returned by Governor without approval	959
Mar.	21	Chambers motion to override veto pending	971
Mar.	22	Passed over Governor's veto	978
Mar.	22	Communication. Certificate	983
Mar.	22	Letter	993

LEGISLATIVE BILL 179A By Chambers

Feb.	11	Read first time. Placed on General File	453
Feb.	17	Referred for review	521
Feb.	22	Placed on Select File	545
Feb.	23	Referred for engrossment	567
Feb.	24	Correctly engrossed	586
Feb.	24	Goodrich motion to return to Select File for amendment pending	594
Mar.	15	Final Reading	844
Mar.	15	Stoney explanation of vote	855
Mar.	16	Correctly enrolled. President signed	868

Mar. 16	Goodrich pending amendment withdrawn	870
Mar. 17	Presented to Governor	888
Mar. 21	Returned by Governor without approval	959
Mar. 21	Chambers motion to override veto pending	971
Mar. 22	Passed over Governor's veto	979
Mar. 22	Communication	983
Mar. 22	Certificate	984
Mar. 22	Letter	993

LEGISLATIVE BILL 180 By Goodrich

Jan. 11	Read first time	154
Jan. 17	Referred to Committee on Public Works	186
Jan. 27	Notice of hearing	306
Feb. 15	Placed on General File	478
Feb. 24	Laid over	586
Mar. 4	Bereuter amendment adopted	711
Mar. 4	Chambers motion to indefinitely postpone lost. Failed to advance for review	712
Mar. 16	Failed to advance for review	878
Mar. 29	Kelly amendment lost. Failed to advance for review. Indefinitely postponed	1152

LEGISLATIVE BILL 181 By Maresh

Jan. 11	Read first time	154
Jan. 17	Referred to Committee on Public Works	186
Jan. 26	Notice of hearing	286
Feb. 28	Indefinitely postponed	635

LEGISLATIVE BILL 182 By Venditte

Jan. 11	Read first time	154
Jan. 17	Referred to Committee on Agriculture and Environment	186
Jan. 19	Notice of hearing	209
Feb. 10	Placed on General File	422
Feb. 17	Venditte amendment pending	521
Feb. 18	Unbracketed. Venditte pending amendment renewed, pending	539
Feb. 22	Venditte amendment printed	561
Feb. 23	Venditte pending amendment withdrawn. Venditte renewed pending amendment. F. Lewis amendment adopted. Chambers amendment lost. DeCamp amendment printed. Laid over	573

Mar.	25	DeCamp pending amendment withdrawn. Venditte pending amendment adopted. DeCamp, Simon and Goodrich amendments pending. Returned to Committee	1065
Mar.	31	Notice of hearing	1197
Apr.	12	Placed on General File	1360
Apr.	22	DeCamp amendment adopted. Simon amendment pending. Laid over	1591
Apr.	22	Simon, Goodrich and DeCamp pending amendments withdrawn. Referred for review	1592
Apr.	26	Placed on Select File	1628
Apr.	26	DeCamp amendment printed	1635
Apr.	27	DeCamp pending amendment adopted. Simon re-offered amendment lost. Referred for engrossment	1667
Apr.	29	Replaced on Select File	1717
May	2	Referred for engrossment	1767
May	4	Returned to Select File for Duis amendment. Duis amendment adopted. Referred for engrossment	1805
May	4	Replaced on Select File	1813
May	4	F. Lewis motion to return to Select File for amendment pending	1821
May	5	Referred for engrossment. F. Lewis pending motion withdrawn. DeCamp motion to return to Select File for amendment pending	1861
May	5	DeCamp pending motion withdrawn	1864
May	9	Replaced on Select File	1886
May	9	Referred for engrossment	1907
May	10	Correctly engrossed	1938
May	13	Final Reading	2014
May	13	Correctly enrolled. President signed	2030
May	13	Presented to Governor	2032
May	17	Approved by Governor	2090

LEGISLATIVE BILL 183 By Agriculture and Environment Committee

Jan.	11	Read first time	155
Jan.	17	Referred to Committee on Agriculture and Environment	186
Jan.	19	Notice of hearing	209
Feb.	8	Placed on General File	394
Feb.	17	Referred for review	520

Feb.	22	Placed on Select File	545
Feb.	23	Referred for engrossment	567
Feb.	24	Correctly engrossed	586
Mar.	1	Final Reading	656
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 184 By Agriculture and Environment Committee

Jan.	11	Read first time	155
Jan.	17	Referred to Committee on Agriculture and Environment	186
Jan.	19	Notice of hearing	209
Mar.	22	Placed on General File	997
Mar.	25	Bracketed	1086
Apr.	20	Bracketed	1541

LEGISLATIVE BILL 185 By Nebraska Transportation Advisory Committee

Jan.	11	Read first time	155
Jan.	17	Referred to Committee on Public Works	186
Jan.	26	Notice of hearing	286
Mar.	24	Indefinitely postponed	1047

LEGISLATIVE BILL 186 By Bereuter and Cullan

Jan.	11	Read first time	155
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	186
Jan.	27	Schmit motion to re-refer pending	305
Feb.	1	Schmit pending motion withdrawn	331
Feb.	2	Notice of hearing	341
Mar.	22	Placed on General File	991
Mar.	25	Laid over	1086
Apr.	14	Bracketed	1399
Apr.	14	DeCamp amendments printed	1410
Apr.	20	DeCamp amendments printed	1532

LEGISLATIVE BILL 187 By DeCamp

Jan.	11	Read first time	156
Jan.	17	Referred to Committee on Judiciary	186
Feb.	3	Notice of hearing	358
Mar.	22	Placed on General File	980

LEGISLATIVE BILL 188 By DeCamp

Jan. 11	Read first time	156
Jan. 17	Referred to Committee on Education	186
Jan. 31	Notice of hearing	322

LEGISLATIVE BILL 189 By Agriculture and Environment Committee

Jan. 11	Read first time	158
Jan. 17	Referred to Committee on Agriculture and Environment	186
Jan. 19	Notice of hearing	209
Mar. 29	Placed on General File	1145

LEGISLATIVE BILL 190 By Lamb

Jan. 11	Read first time	158
Jan. 17	Referred to Committee on Urban Affairs	186
Feb. 2	Notice of hearing	341
Feb. 23	Placed on General File	576
Mar. 10	Referred for review	798
Mar. 14	Placed on Select File	816
Mar. 15	Referred for engrossment	852
Mar. 16	Correctly engrossed	880
Mar. 21	Final Reading	938
Mar. 21	Stoney and Venditte explanations of vote	948
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 191 By Lamb

Jan. 11	Read first time	159
Jan. 17	Referred to Committee on Agriculture and Environment	186
Jan. 19	Notice of hearing	209
Feb. 2	Placed on General File	348
Feb. 9	Referred for review	408
Feb. 11	Placed on Select File	441
Feb. 14	Referred for engrossment	461
Feb. 15	Correctly engrossed	478
Feb. 18	Final Reading	531
Feb. 22	Correctly enrolled. President signed	547
Feb. 23	Presented to Governor	568
Feb. 28	Approved by Governor	625

LEGISLATIVE BILL 192 By Burrows

Jan.	11	Read first time	159
Jan.	17	Referred to Committee on Revenue	186
Jan.	26	Notice of hearing	286
Apr.	13	Placed on General File	1385
Apr.	14	Bracketed	1400
Apr.	20	Burrows amendment printed	1546
Apr.	21	Burrows pending amendment renewed	1572
Apr.	26	Burrows pending amendments adopted. Failed to advance for review. Bracketed	1653

LEGISLATIVE BILL 193 By Bereuter

Jan.	11	Read first time. Notice of hearing	160
Jan.	17	Simon name added	178
Jan.	17	Referred to Committee on Appropriations	186
Jan.	27	Placed on General File	308
Feb.	2	Bereuter amendment offered. F. Lewis amendment lost. DeCamp motion to bracket pending	347
Feb.	3	DeCamp pending motion withdrawn. Bereuter pending amendment withdrawn	366
Feb.	3	Simon amendment printed	367
Feb.	7	Simon pending amendment adopted. F. Lewis amendment adopted. Referred for review	379
Feb.	9	Placed on Select File	405
Feb.	10	Referred for engrossment	420
Feb.	11	Correctly engrossed	455
Feb.	16	Final Reading	499
Feb.	17	Correctly enrolled	518
Feb.	17	President signed	519
Feb.	18	Presented to Governor	528
Feb.	28	Approved by Governor	625

LEGISLATIVE BILL 194 By Hasebroock

Jan.	17	Read first time	178
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs	200
Jan.	20	Notice of hearing	221
Feb.	7	Placed on General File	382
Feb.	15	Referred for review	490
Feb.	17	Placed on Select File	512
Feb.	18	Referred for engrossment	535

Feb.	22	Correctly engrossed	547
Feb.	25	Final Reading	609
Feb.	28	Correctly enrolled. Speaker signed	630
Mar.	1	Presented to Governor	651
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 195 By Cope

Jan.	17	Read first time	178
Jan.	18	Referred to Committee on Urban Affairs	200
Feb.	2	Notice of hearing	341
Mar.	1	Indefinitely postponed	664

LEGISLATIVE BILL 196 By Simon

Jan.	17	Read first time	179
Jan.	18	Referred to Committee on Judiciary	200
Feb.	3	Notice of hearing	359
Mar.	18	Placed on General File	921
Mar.	25	Committee amendment lost. Referred for review	1083
Mar.	25	Stoney amendment printed	1085
Mar.	29	Placed on Select File	1123
Mar.	30	Simon amendment adopted. Stoney pending amendment adopted. Bracketed	1184
Apr.	6	Referred for engrossment	1308
Apr.	6	Simon amendment printed	1317
Apr.	12	Replaced on Select File	1324
Apr.	13	Referred for engrossment	1384
Apr.	13	Returned to Select File for Simon amendment. Simon amendment adopted. Referred for engrossment	1388
Apr.	15	Replaced on Select File	1418
Apr.	18	Referred for engrossment	1472
Apr.	20	Correctly engrossed	1523
Apr.	25	Final Reading	1606
Apr.	25	Mills explanation of vote. Correctly enrolled. Speaker signed	1620
Apr.	25	Presented to Governor	1624
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 197 By Simon

Jan.	17	Read first time	179
Jan.	18	Referred to Committee on Agriculture and Environment	200
Jan.	31	Notice of hearing	320
Mar.	2	Indefinitely postponed	680

LEGISLATIVE BILL 198 By Maxey

Jan.	17	Read first time	179
Jan.	18	Referred to Committee on Nebraska Retirement Systems	200
Feb.	7	Notice of hearing	383
May	2	Placed on General File	1749

LEGISLATIVE BILL 198A By Maxey

May	9	Read first time. Placed on General File	1906

LEGISLATIVE BILL 199 By Duis

Jan.	17	Read first time	179
Jan.	18	Referred to Committee on Business & Labor	200
Jan.	27	Notice of hearing	299
Feb.	15	Placed on General File	487
Mar.	4	Referred for review	712
Mar.	8	Placed on Select File	735
Mar.	9	Referred for engrossment	776
Mar.	10	Correctly engrossed	786
Mar.	15	Final Reading	845
Mar.	15	Stoney explanation of vote	855
Mar.	16	Correctly enrolled. President signed	868
Mar.	17	Presented to Governor	888
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 200 By Duis

Jan.	17	Read first time	179
Jan.	18	Referred to Committee on Agriculture and Environment	200
Jan.	31	Duis motion to withdraw pending	322
Feb.	1	Withdrawn	331

LEGISLATIVE BILL 201 By Reutzel

Jan.	17	Read first time	179
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs	200
Jan.	20	Notice of hearing	221
Mar.	22	Placed on General File	1002
Mar.	25	Laid over	1086
Mar.	31	Moylan, Rasmussen, and Maresh amendments adopted. Reutzel amendments lost. Referred for Review	1204

Apr.	4	Placed on Select File	1231
Apr.	4	Marsh amendments printed	1252
Apr.	5	Maresh and Marsh amendments adopted. Referred for engrossment	1274
Apr.	5	Returned to Select File for Stoney amendment	1275
Apr.	5	Stoney amendment adopted. Referred for engrossment	1277
Apr.	12	Replaced on Select File	1323
Apr.	13	Referred for engrossment	1384
Apr.	15	Correctly engrossed	1453
Apr.	20	Final Reading	1525
Apr.	21	Correctly enrolled. Speaker signed	1551
Apr.	22	Presented to Governor	1574
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 202 By Simon

Jan.	17	Read first time	180
Jan.	18	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	25	Notice of hearing	283
Jan.	26	Notice of hearing cancelled	286
Jan.	31	Notice of hearing	321
Apr.	4	Simon motion placed on General File pending	1255
Apr.	25	Simon motion prevailed. Placed on General File	1613
May	13	Simon motion lost	2044

LEGISLATIVE BILL 203 By Cullan

Jan.	17	Read first time	180
Jan.	18	Referred to Committee on Urban Affairs	200
Feb.	2	Notice of hearing	341
Feb.	23	Placed on General File	576
Mar.	10	Referred for review	798
Mar.	14	Placed on Select File	816
Mar.	15	Referred for engrossment	852
Mar.	16	Correctly engrossed	880
Mar.	21	Final Reading	939
Mar.	21	Stoney and Venditte explanation of vote	948
Mar.	22	Correctly enrolled. President signed	977
Mar.	23	Presented to Governor	1007
Mar.	24	Carsten explanation of vote	1047
Mar.	28	Approved by Governor	1090

LEGISLATIVE BILL 204 By Merz

Jan.	17	Read first time	180
Jan.	18	Referred to Committee on Judiciary	200
Jan.	25	Notice of hearing	280
Feb.	25	Placed on General File	617
Mar.	9	Attorney General Opinion	773
Mar.	30	Barnett amendments printed	1177
Apr.	28	Goodrich amendments printed	1708
May	3	R. Lewis amendments printed	1789
May	5	Mills motion reconsider action lost	1869
May	6	Objection to Stoney's request to reconsider action	1873
May	6	Goodrich pending amendment renewed. Goodrich amendment offered ruled out of order. Goodrich amendment withdrawn. Barnett amendments withdrawn. Mills amendments adopted. R. Lewis amendment adopted. F. Lewis amendment adopted. F. Lewis motion to indefinitely postpone withdrawn	1873
May	6	Maresh amendment lost. F. Lewis amendment lost	1877
May	6	Referred for review	1879
May	9	Placed on Select File	1915
May	9	Mills amendment printed	1929
May	10	Mills amendments withdrawn. Barnett amendment offered	1944
May	10	Barnett pending amendment lost. Laid over	1947
May	11	Mills amendment printed	1985
May	13	Venditte amendments printed	2053
May	16	DeCamp amendment pending	2063
May	16	DeCamp, Goodrich, Mills amendments adopted. Venditte amendment withdrawn	2074
May	16	Referred for engrossment	2075
May	18	Replaced on Select File	2134
May	18	Referred for engrossment	2135
May	18	Correctly engrossed	2135
May	24	Final Reading	2179
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Approved by Governor	2258

LEGISLATIVE BILL 204A By Merz

Mar.	3	Read first time. Placed on General File	698
Mar.	5	Mills motion reconsider action lost	1869
May	6	Objection to Stoney's reconsider action	1873
May	9	Placed on Select File	1916
May	16	Mills amendment adopted. Referred for engrossment	2075
May	18	Correctly engrossed	2135
May	24	Final Reading	2179
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Approved by Governor	2258

LEGISLATIVE BILL 205 By Carsten

Jan.	17	Read first time	180
Jan.	18	Referred to Committee on Education	200
Jan.	25	Notice of hearing	280
Feb.	15	Placed on General File	487
Mar.	4	Referred for review	715
Mar.	8	Placed on Select File	735
Mar.	9	Referred for engrossment	777
Mar.	10	Correctly engrossed	786
Mar.	15	Final Reading	846
Mar.	15	Stoney explanation of vote	855
Mar.	16	Correctly enrolled. President signed	868
Mar.	17	Presented to Governor	888
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 206 By Clark

Jan.	17	Read first time	180
Jan.	18	Referred to Committee on Public Health and Welfare	200
Jan.	20	Notice of hearing	221
Jan.	27	Clark motion to withdraw pending	304
Jan.	27	Withdrawn	313

LEGISLATIVE BILL 207 By Keyes

Jan.	17	Read first time	180
Jan.	18	Referred to Committee on Banking, Commerce and Insurance	200
Jan.	31	Notice of hearing	321
Mar.	25	Indefinitely postponed	1085

Mar. 28 Keyes motion to place on General File pending 1096
Mar. 31 Keyes pending motion renewed 1202
Mar. 31 Keyes pending motion lost 1203

LEGISLATIVE BILL 208 By Hasebroock

Jan. 17 Read first time 181
Jan. 18 Referred to Committee on Judiciary 200
Feb. 3 Notice of hearing 359
Mar. 18 Placed on General File 921
Mar. 25 Referred for review 1083
Mar. 29 Placed on Select File 1124
Mar. 30 Referred for engrossment 1182
Apr. 1 Correctly engrossed 1217
Apr. 6 Final Reading 1293
Apr. 6 Warner explanation of vote 1298
Apr. 12 Correctly enrolled 1325
Apr. 12 Speaker signed 1356
Apr. 12 Presented to Governor 1360
Apr. 18 Approved by Governor 1457

LEGISLATIVE BILL 209 By Warner

Jan. 17 Read first time 181
Jan. 18 Referred to Committee on Banking, Commerce and Insurance 200
Jan. 27 Notice of hearing 312
Apr. 5 Placed on General File 1277
Apr. 12 Placed on General File, corrected report 1368
Apr. 22 Referred for review 1586
Apr. 26 Placed on Select File 1626
Apr. 27 Referred for engrossment 1662
Apr. 29 Correctly engrossed 1718
May 4 Final Reading 1798
May 4 Koch explanation of vote 1811
May 4 Correctly enrolled. Speaker signed 1813
May 4 Presented to Governor 1820
May 9 Approved by Governor 1885

LEGISLATIVE BILL 210 By Warner

Jan. 17 Read first time 181
Jan. 18 Referred to Committee on Miscellaneous Subjects 200
Jan. 26 Notice of hearing 288
Mar. 11 Placed on General File 804

Mar. 16	Marvel amendment printed	871
Mar. 21	Koch amendment printed	950
Mar. 21	Bereuter amendment printed	952

LEGISLATIVE BILL 211 By Merz

Jan. 17	Read first time	181
Jan. 18	Referred to Committee on Public Works	200
Jan. 19	Notice of hearing	209
Jan. 31	Placed on General File	317
Feb. 7	Rasmussen amendment adopted. George and Lamb amendments lost. Referred for review	384
Feb. 9	Placed on Select File	406
Feb. 10	Rasmussen amendment adopted. Referred for engrossment	421
Feb. 11	Correctly engrossed	455
Feb. 16	Final Reading	500
Feb. 17	Correctly enrolled	518
Feb. 17	President signed	519
Feb. 18	Presented to Governor	528
Feb. 28	Approved by Governor	625

LEGISLATIVE BILL 212 By Kremer

Jan. 17	Read first time	181
Jan. 18	Referred to Committee on Judiciary	200
Feb. 3	Notice of hearing	358
Mar. 18	Placed on General File	922
May 13	Kremer amendment printed	2049

LEGISLATIVE BILL 213 By Dworak

Jan. 17	Read first time	181
Jan. 18	Referred to Committee on Miscellaneous Subjects	200
Jan. 27	Notice of hearing	298
Mar. 29	Indefinitely postponed	1150

LEGISLATIVE BILL 214 By Dworak

Jan. 17	Read first time	181
Jan. 18	Referred to Committee on Public Works	200
Jan. 26	Notice of hearing	286
Mar. 24	Indefinitely postponed	1047

LEGISLATIVE BILL 215 By Dworak

Jan.	17	Read first time	182
Jan.	18	Referred to Committee on Education	200
Jan.	31	Notice of hearing	322
Mar.	7	Indefinitely postponed	732

LEGISLATIVE BILL 216 By Dworak

Jan.	17	Read first time	182
Jan.	18	Hefner name added	191
Jan.	18	Referred to Committee on Constitutional Revision and Recreation	200
Jan.	20	Notice of hearing	216
Mar.	10	Placed on General File	788

LEGISLATIVE BILL 217 By Mills

Jan.	17	Read first time	182
Jan.	18	Referred to Committee on Public Works	200
Feb.	9	Notice of hearing	414
Mar.	25	Placed on General File	1054
Mar.	28	Placed on General File, corrected report	1117
Apr.	28	Duis amendments printed	1709
May	5	Attorney General Opinion	1837
May	5	Mills amendment pending	1869

LEGISLATIVE BILL 218 By Mills

Jan.	17	Read first time	182
Jan.	18	Referred to Committee on Judiciary	200
Jan.	19	Re-referred to Committee on Banking, Commerce and Insurance	212
Jan.	25	Notice of hearing	283
Feb.	15	Attorney General Opinion	477
Feb.	16	Placed on General File	503
Mar.	4	Referred for review	715
Mar.	8	Placed on Select File	735
Mar.	9	Referred for engrossment	777
Mar.	10	Correctly engrossed	786
Mar.	15	Kelly motion to bracket lost. Final Reading	846
Mar.	15	Stoney explanation of vote	855
Mar.	16	Correctly enrolled. President signed	868
Mar.	17	Presented to Governor	888
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 219 By Marsh

Jan.	17	Read first time	182
Jan.	18	Referred to Committee on Revenue	200
Feb.	1	Notice of hearing	328
Feb.	11	Placed on General File	440
Feb.	18	Referred for review	538
Mar.	1	Placed on Select File	660
Mar.	2	Referred for engrossment	682
Mar.	4	Correctly engrossed	707
Mar.	9	Final Reading	762
Mar.	10	Correctly enrolled. President signed	786
Mar.	11	Presented to Governor	803
Mar.	17	Approved by Governor	888

LEGISLATIVE BILL 220 By Schmit

Jan.	17	Read first time	182
Jan.	18	Referred to Committee on Agriculture and Environment	200
Jan.	19	Notice of hearing	209
Feb.	1	Placed on General File	329
Feb.	8	Ruling of the Chair	401
Feb.	9	Dworak objection withdrawn	412
Feb.	10	Dworak motion to bracket lost. Schmit and Burrows amendments adopted	434
Feb.	10	Schmit amendment adopted	437
Feb.	11	Fowler amendment adopted. Mills motion to indefinitely postpone lost. Stoney and Murphy amendments lost. Simon motion to bracket lost. Referred for review	451
Feb.	15	Placed on Select File	474
Feb.	16	Laid over	501
Feb.	18	Laid over	533
Feb.	22	Koch and Clark amendments lost. Stoney amendment adopted. Schmit amendments pending	548
Feb.	24	Schmit pending amendments adopted. Schmit amendment adopted. Cullan motion to indefinitely postpone pending	587
Feb.	25	Cullan pending motion lost. Referred for engrossment	612
Feb.	25	Maresh amendment printed	619
Mar.	1	Replaced on Select File	651
Mar.	2	Referred for engrossment. Maresh motion to return to Select File for amendment lost	682

Mar.	7	Merz motion to return to Select File for amendment lost	729
Mar.	8	Simon motion to return to Select File for amendment lost	754
Mar.	9	Replaced on Select File	759
Mar.	11	Referred for engrossment. Bracketed	806
Mar.	22	Bracketed	975
Mar.	23	DeCamp amendments printed	1016
May	5	Bracketed	1863
May	16	Unbracketed	2065
May	16	DeCamp pending amendment withdrawn. Returned to Select File for DeCamp amendment	2067
May	16	DeCamp amendment adopted. Referred for engrossment	2069
May	16	Goodrich motion to return to Select File for amendment lost	2073
May	18	Replaced on Select File	2118
May	18	Referred for engrossment	2120
May	18	Correctly engrossed	2124
May	24	Final Reading	2185
May	24	Correctly enrolled. Speaker signed	2190
May	25	Attorney General Opinion	2193
May	25	Presented to Governor	2195
June	1	Approved by Governor	2259

LEGISLATIVE BILL 220A By Schmit

Feb.	9	Read first time. Placed on General File	414
Feb.	14	Referred for review	472
Feb.	15	Placed on Select File	475
Feb.	16	Laid over	501
Feb.	18	Laid over	534
Feb.	22	Laid over	548
Feb.	24	Laid over	587
Feb.	25	Referred for engrossment	612
Mar.	22	Bracketed	975
May	5	Bracketed	1863
May	23	Unbracketed. Returned to Select File for Dworak amendment	2156
May	23	Dworak amendment adopted. Referred for engrossment. Returned to Select File for Dworak amendment	2157
May	23	Dworak amendment adopted. Referred for engrossment	2158
May	23	Replaced on Select File	2166
May	23	Referred for engrossment. Correctly engrossed	2167

May	25	Attorney General Opinion	2200
May	25	Final Reading	2205
May	25	Correctly enrolled	2221
May	25	President signed	2222
May	25	Presented to Governor	2228
June	1	Approved by Governor	2264

LEGISLATIVE BILL 221 By Schmit

Jan.	17	Read first time	182
Jan.	18	Referred to Committee on Judiciary	200
Jan.	25	Notice of hearing	281
Mar.	14	Indefinitely postponed	829

LEGISLATIVE BILL 222 By Venditte

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs	200
Feb.	2	Notice of hearing	340
Mar.	8	Indefinitely postponed	743

LEGISLATIVE BILL 223 By Venditte

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Judiciary	200
Feb.	8	Notice of hearing	390
Apr.	27	Placed on General File	1666

LEGISLATIVE BILL 224 By Savage

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	25	Notice of hearing	283
Feb.	14	Placed on General File	459
Feb.	24	Referred for review	585
Feb.	28	Placed on Select File	628
Mar.	2	Referred for engrossment	681
Mar.	4	Correctly engrossed	707
Mar.	9	Final Reading	763
Mar.	10	Correctly enrolled. President signed	786
Mar.	11	Presented to Governor	803
Mar.	17	Approved by Governor	888

LEGISLATIVE BILL 225 By Savage

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Banking, Commerce and Insurance	201
Jan.	25	Notice of hearing	283
Feb.	23	Indefinitely postponed	573

LEGISLATIVE BILL 226 By Merz

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Urban Affairs	201
Feb.	2	Notice of hearing	341
Apr.	14	Placed on General File	1402

LEGISLATIVE BILL 227 By Mills

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Public Works	201
Jan.	26	Notice of hearing	285
Feb.	7	Placed on General File	381
Feb.	15	Referred for review	487
Feb.	17	Placed on Select File	511
Feb.	18	Referred for engrossment	534
Feb.	22	Correctly engrossed	547
Feb.	25	Final Reading	609
Feb.	28	Correctly enrolled. Speaker signed	630
Mar.	1	Presented to Governor	651
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 228 By Stoney

Jan.	17	Read first time	183
Jan.	18	Referred to Committee on Public Works	201
Jan.	26	Notice of hearing	285
Mar.	2	Placed on General File	669
Mar.	17	Laid over	904
Mar.	23	Stoney amendment printed	1015
Mar.	23	Stoney pending amendment adopted. Referred for review	1026
Mar.	25	Placed on Select File	1051
Mar.	28	Bracketed	1099
Apr.	4	Stoney amendments printed	1247
Apr.	5	Stoney pending amendments adopted. Referred for engrossment	1272
Apr.	12	Replaced on Select File	1323
Apr.	13	Referred for engrossment	1383

Apr. 15	Replaced on Select File	1418
Apr. 18	Referred for engrossment	1472
Apr. 20	Correctly engrossed	1523
Apr. 25	Final Reading	1607
Apr. 25	Mills explanation of vote. Correctly enrolled. Speaker signed	1620
Apr. 25	Presented to Governor	1624
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 229 By Bereuter

Jan. 17	Read first time	184
Jan. 18	Referred to Committee on Government, Military and Veterans Affairs	201
Feb. 2	Notice of hearing	340
Feb. 25	Attorney General Opinion	603
Mar. 25	Indefinitely postponed	1063

LEGISLATIVE BILL 230 By Savage

Jan. 17	Read first time	184
Jan. 18	Referred to Committee on Public Works	201
Jan. 26	Notice of hearing	286
Feb. 22	Placed on General File	560
Feb. 23	Barnett amendment printed	576
Mar. 4	Barnett pending amendment adopted. Referred for review	716
Mar. 8	Placed on Select File	735
Mar. 9	Laid over	777
Mar. 11	Savage and Barnett amendments adopted. Referred for engrossment	805
Mar. 15	Replaced on Select File	850
Mar. 16	Referred for engrossment	871
Mar. 17	Replaced on Select File	888
Mar. 18	Referred for engrossment	920
Mar. 21	Correctly engrossed	936
Mar. 24	Bracketed	1033
Mar. 30	Final Reading	1161
Mar. 30	Stoney and Mills explanations of vote	1169
Mar. 31	Correctly enrolled. President signed	1190
Apr. 1	Presented to Governor	1217
Apr. 5	Approved by Governor	1271

LEGISLATIVE BILL 230A By Savage

Mar.	1	Read first time. Placed on General File	660
Mar.	4	Referred for review	716
Mar.	8	Placed on Select File	735
Mar.	9	Laid over	777
Mar.	11	Referred for engrossment	805
Mar.	21	Correctly engrossed	936
Mar.	24	Bracketed	1033
Mar.	30	Final Reading	1162
Mar.	30	Stoney and Mills explanations of vote	1169
Mar.	31	Correctly enrolled. President signed	1190
Apr.	1	Presented to Governor	1217
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 231 By Marvel

Jan.	17	Read first time	184
Jan.	18	Referred to Committee on Miscellaneous Subjects	201
Jan.	21	Notice of hearing	231
Jan.	31	Placed on General File	320
Feb.	8	Referred for review	395
Feb.	10	Placed on Select File	416
Feb.	11	Referred for engrossment	445
Feb.	14	Returned to Select File for Marvel amendment. Marvel amendment adopted. Referred for engrossment	463
Feb.	16	Replaced on Select File	496
Feb.	17	Referred for engrossment	522
Feb.	18	Correctly engrossed	540
Feb.	24	Final Reading	584
Feb.	25	Correctly enrolled. President signed	619
Feb.	28	Presented to Governor	630
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 232 By Fowler

Jan.	17	Read first time	184
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs	201
Feb.	2	Notice of hearing	341
Mar.	8	Placed on General File	743
Mar.	23	Bracketed	1020
Apr.	6	Referred for review	1318
Apr.	12	Placed on Select File	1324
Apr.	13	Bracketed	1385

Apr.	21	Duis, Bereuter, Fowler and Venditte amendments adopted. Referred for engrossment	1558
Apr.	25	Replaced on Select File	1601
Apr.	26	Referred for engrossment. Bracketed	1633
May	2	Bracketed	1761
May	3	Correctly engrossed	1770
May	6	Final Reading	1872
May	6	Correctly enrolled. President signed	1879
May	6	Presented to Governor	1881
May	10	Approved by Governor	1960

LEGISLATIVE BILL 233 By Fowler

Jan.	17	Read first time	184
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs	201
Jan.	20	Notice of hearing	221
Mar.	8	Placed on General File	743

LEGISLATIVE BILL 234 By Maresh and Cullan

Jan.	17	Read first time	185
Jan.	18	Referred to Committee on Constitutional Revision and Recreation	201
Jan.	20	Notice of hearing	216

LEGISLATIVE BILL 235 By Boughn

Jan.	17	Read first time	187
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs	201
Jan.	20	Notice of hearing	221
Feb.	8	Attorney General Opinion	393
Mar.	23	Indefinitely postponed	1007

LEGISLATIVE BILL 236 By Nichol

Jan.	17	Read first time	187
Jan.	18	Referred to Committee on Public Works	201
Jan.	26	Notice of hearing	286
Mar.	24	Placed on General File	1046
Apr.	29	Committee amendment lost. Schmit motion to indefinitely postpone pending	1732
Apr.	29	Schmit pending motion renewed	1736
May	2	Maresh amendments printed	1768

May	4	Schmit pending amendment withdrawn. Committee amendments re-offered. Maresh and Kremer amendments adopted. Newell amendment lost. Committee amendments, as amended, lost	1813
May	4	Indefinitely postponed	1816
May	4	Mills motion to reconsider pending. Schmit amendment printed	1821
May	5	Mills pending motion withdrawn	1858

LEGISLATIVE BILL 237 By Savage

Jan.	17	Read first time	188
Jan.	18	Referred to Committee on Miscellaneous Subjects	201
Jan.	21	Notice of hearing	231
Feb.	1	Placed on General File	329
Feb.	8	Failed to advance for review	395
Feb.	9	Chambers motion to indefinitely postpone lost. Referred for review	408
Feb.	11	Placed on Select File	441
Feb.	14	Referred for engrossment	461
Feb.	15	Correctly engrossed	478
Feb.	18	Final Reading	532
Feb.	22	Correctly enrolled. President signed	547
Feb.	23	Presented to Governor	568
Feb.	28	Approved by Governor	625

LEGISLATIVE BILL 238 By Savage

Jan.	17	Read first time	188
Jan.	18	Referred to Committee on Urban Affairs	201
Feb.	2	Notice of hearing	341
Mar.	15	Placed on General File	856
Mar.	24	Laid over	1048
Mar.	25	Laid over	1081
Mar.	31	Referred for review	1203
Mar.	31	Simon explanation of vote	1206
Apr.	4	Placed on Select File	1231
Apr.	5	Referred for engrossment	1264
Apr.	12	Correctly engrossed	1325
Apr.	13	Savage amendment printed	1393
Apr.	15	Returned to Select File for Savage amendment	1424
Apr.	18	Savage pending amendment adopted	1471
Apr.	18	Referred for re-engrossment	1472
Apr.	19	Bereuter amendments printed	1519

Apr.	20	Replaced on Select File 1521
Apr.	21	Referred for engrossment 1562
Apr.	21	Returned to Select File for Bereuter amendment. Bereuter amendment adopted. Referred for re-engrossment 1567
Apr.	25	Correctly re-engrossed 1609
Apr.	28	Final Reading 1689
Apr.	29	Correctly enrolled. President signed 1718
Apr.	29	Mills explanation of vote 1723
May	2	Presented to Governor 1737
May	9	Approved by Governor 1909

LEGISLATIVE BILL 239 By Newell

Jan.	17	Read first time 188
Jan.	18	Referred to Committee on Government, Military and Veterans Affairs 201
Feb.	2	Notice of hearing 341
Mar.	23	Indefinitely postponed 1007

LEGISLATIVE BILL 240 By Maresh

Jan.	17	Read first time 188
Jan.	18	Referred to Committee on Miscellaneous Subjects 201
Jan.	26	Notice of hearing 288
Mar.	30	Placed on General File 1156

LEGISLATIVE BILL 241 By Rumery

Jan.	17	Read first time 188
Jan.	18	Referred to Committee on Revenue 201
Feb.	1	Notice of hearing 328
Mar.	4	Indefinitely postponed 708
Mar.	4	Rumery motion to place on General File pending 716
Mar.	8	Rumery pending motion lost 745

LEGISLATIVE BILL 242 By Agriculture and Environment Committee

Jan.	17	Read first time 188
Jan.	18	Referred to Committee on Agriculture and Environment 201
Jan.	31	Notice of hearing 320
Mar.	2	Indefinitely postponed 680

LEGISLATIVE BILL 243 By Kahle

Jan.	18	Read first time	192
Jan.	19	Referred to Committee on Revenue	208
Feb.	1	Notice of hearing	328
Mar.	4	Indefinitely postponed	708

LEGISLATIVE BILL 244 By Hasebroock

Jan.	18	Read first time	192
Jan.	19	Referred to Committee on Revenue	208
Feb.	1	Notice of hearing	328
Feb.	28	Placed on General File	630

LEGISLATIVE BILL 245 By Burrows

Jan.	18	Read first time	193
Jan.	19	Referred to Committee on Revenue	208
Feb.	1	Notice of hearing	328
Feb.	28	Placed on General File	630
Mar.	17	Referred for review	904
Mar.	21	Placed on Select File	933
Mar.	22	Referred for engrossment	987
Mar.	23	Correctly engrossed	1008
Mar.	29	Final Reading	1127
Mar.	30	Correctly enrolled. Speaker signed	1156
Mar.	31	Presented to Governor	1190
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 246 By Keyes

Jan.	18	Read first time	193
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	208
Jan.	25	Notice of hearing	283
Mar.	28	Placed on General File	1115
Apr.	22	Keyes amendments adopted. Referred for review	1585
Apr.	26	Placed on Select File	1626
Apr.	27	Referred for engrossment	1662
Apr.	29	Correctly engrossed	1718
May	4	Final Reading	1799
May	4	Koch explanation of vote	1811
May	4	Correctly enrolled. Speaker signed	1813
May	4	Presented to Governor	1820
May	9	Approved by Governor	1909

LEGISLATIVE BILL 247 By Kremer

Jan.	18	Read first time	193
Jan.	19	Referred to Committee on Public Works	208
Feb.	9	Notice of hearing	414
Apr.	18	Placed on General File	1468

LEGISLATIVE BILL 247A By Kremer

Apr.	20	Read first time. Placed on General File	1546

LEGISLATIVE BILL 248 By Public Works Committee

Jan.	18	Read first time	193
Jan.	19	Referred to Committee on Public Works	208
Jan.	26	Notice of hearing	285
Mar.	30	Placed on General File	1170
Mar.	31	Returned to Committee	1211
Apr.	19	Placed on General File	1482

LEGISLATIVE BILL 249 By Murphy

Jan.	18	Read first time	193
Jan.	19	Referred to Committee on Public Works	208
Jan.	27	Notice of hearing	306

LEGISLATIVE BILL 250 By Government, Military and Veterans Affairs Committee

Jan.	18	Read first time	193
Jan.	19	Referred to Committee on Government, Military and Veterans Affairs	208
Jan.	20	Notice of hearing	221
Mar.	25	Indefinitely postponed	1063
Mar.	30	DeCamp motion to place on General File pending	1186

LEGISLATIVE BILL 251 By Merz

Jan.	18	Read first time	194
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	208
Jan.	27	Notice of hearing	312
Feb.	14	Indefinitely postponed	459

LEGISLATIVE BILL 252 By Mills

Jan.	18	Read first time	195
Jan.	19	Referred to Committee on Public Works	208
Feb.	1	Notice of hearing	327
Mar.	24	Indefinitely postponed	1047

LEGISLATIVE BILL 253 By Brennan

Jan.	18	Read first time	195
Jan.	19	Referred to Committee on Business & Labor	208
Feb.	9	Notice of hearing	410
Mar.	25	Indefinitely postponed	1065

LEGISLATIVE BILL 254 By Carsten

Jan.	18	Read first time	195
Jan.	19	Referred to Committee on Miscellaneous Subjects	208
Jan.	21	Notice of hearing	231
Jan.	31	Placed on General File	320
Feb.	8	Laid over	395
Feb.	8	Referred for review	397
Feb.	10	Placed on Select File	416
Feb.	11	Referred for engrossment	447
Feb.	14	Correctly engrossed	470
Feb.	17	Final Reading	516
Feb.	18	Correctly enrolled. President signed	528
Feb.	22	Presented to Governor	544
Feb.	28	Approved by Governor	625

LEGISLATIVE BILL 255 By Public Works Committee

Jan.	18	Read first time	195
Jan.	19	Referred to Committee on Public Works	208
Jan.	26	Notice of hearing	285
Feb.	8	Placed on General File	387
Feb.	17	Referred for review	519
Feb.	22	Placed on Select File	545
Feb.	23	Referred for engrossment	567
Feb.	24	Correctly engrossed	586
Mar.	1	Final Reading	657
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 256 By Public Works Committee

Jan. 18	Read first time	195
Jan. 19	Referred to Committee on Public Works	208
Jan. 19	Notice of hearing	209
Jan. 31	Placed on General File	317
Feb. 8	Laid over	395
Feb. 8	Chambers amendment lost. Referred for review	396
Feb. 10	Placed on Select File	416
Feb. 11	Chambers amendment lost. Kremer motion to bracket lost. Referred for engrossment	445
Feb. 14	Correctly engrossed	470
Feb. 16	Chambers motion to return to Select File for amendment lost	504
Feb. 17	Chambers and Newell motions to return to Select File for amendments lost. Chambers motion to bracket lost. Final Reading	517
Feb. 18	Correctly enrolled. President signed	528
Feb. 22	Presented to Governor	544
Feb. 25	Approved by Governor	616

LEGISLATIVE BILL 257 By Government, Military and Veterans Affairs Committee, and at the request of the Governor

Jan. 18	Read first time	196
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	208
Jan. 20	Notice of hearing	221
Feb. 11	Placed on General File	455
Mar. 17	Fowler amendment printed	911
Mar. 21	DeCamp amendments printed	967
Mar. 28	Bracketed	1120
Mar. 29	Fowler pending amendment adopted as modified. DeCamp pending amendments renewed, part lost, part withdrawn. Laid over	1140
Mar. 29	F. Lewis and Dworak amendments adopted. George amendment out of order. Marsh motion to indefinitely postpone withdrawn. Burrows and Bereuter amendments adopted. Newell and Koch amendments lost	1146
Mar. 29	Referred for review	1148
Mar. 30	Rasmussen amendment printed	1168

Mar.	31	Placed on Select File	1191
Apr.	1	Bracketed	1225
Apr.	6	Dworak amendments printed	1299
Apr.	13	Bereuter amendment printed	1379
Apr.	18	Laid over	1476
Apr.	21	Bracketed	1558
Apr.	25	Rasmussen amendment printed	1618
Apr.	26	Rasmussen pending amendments adopted. Dworak pending amendment lost. Laid over	1644
Apr.	28	Bereuter pending amendment withdrawn. Referred for engrossment	1692
May	2	Placed on Select File	1750
May	3	Referred for engrossment	1775
May	4	Replaced on Select File	1797
May	5	Referred for engrossment	1860
May	5	Correctly engrossed	1866
May	10	Final Reading	1934
May	10	George explanation of vote	1940
May	10	Correctly enrolled. Speaker signed	1947
May	10	Presented to Governor	1951
May	17	Approved by Governor	2090

LEGISLATIVE BILL 257A By Rasmussen

Mar.	29	Read first time. Placed on General File	1139
Mar.	29	Referred for review	1152
Mar.	31	Placed on Select File	1191
Apr.	1	Bracketed	1225
Apr.	21	Bracketed	1558
Apr.	28	Referred for engrossment	1692
May	5	Correctly engrossed	1866
May	10	Final Reading	1935
May	10	George explanation of vote	1940
May	10	Correctly enrolled. Speaker signed	1947
May	10	Presented to Governor	1951
May	17	Approved by Governor	2090

LEGISLATIVE BILL 258 By Schmit

Jan.	18	Read first time	196
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	208
Jan.	27	Notice of hearing	312
Mar.	9	Placed on General File	780
Mar.	25	Goodrich amendments printed	1087
Apr.	6	Goodrich amendment printed	1304
May	11	Schmit amendments printed	1984

LEGISLATIVE BILL 258A By Schmit

Mar.	22	Read first time. Placed on General File	977

LEGISLATIVE BILL 259 By DeCamp

Jan.	18	Read first time	196
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	208
Jan.	27	Notice of hearing	312
Feb.	24	Placed on General File	581

LEGISLATIVE BILL 260 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	196
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209
Jan.	27	Notice of hearing	312
Mar.	16	Bracketed	878
Mar.	25	Placed on General File	1053
Mar.	31	Committee amendment lost. Duis amendment adopted. Referred for review	1208
Apr.	4	Placed on Select File	1232
Apr.	5	Referred for engrossment	1265
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1424
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 261 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	196
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209
Jan.	25	Notice of hearing	283
Mar.	9	Indefinitely postponed	780

LEGISLATIVE BILL 262 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	197
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209

Jan.	25	Notice of hearing	283
Mar.	9	Placed on General File	780

LEGISLATIVE BILL 263 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	197
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209
Jan.	27	Notice of hearing	312
Apr.	5	Placed on General File	1278
Apr.	15	Referred for review	1454
Apr.	19	Placed on Select File	1482
Apr.	20	Referred for engrossment	1541
Apr.	22	Replaced on Select File	1574
Apr.	25	Referred for engrossment	1619
Apr.	28	Correctly engrossed	1685
May	9	Final Reading	1886
May	9	Murphy motion to reconsider pending	1899
May	9	Murphy amendments printed	1912
May	12	Murphy pending motion to reconsider prevailed. Murphy motion to return to Select File lost	2002
May	12	F. Lewis motion to reconsider pending	2011
May	13	F. Lewis pending motion to reconsider prevailed. Murphy motion to return to Select File lost. Final Reading	2016
May	13	Correctly enrolled. President signed	2030
May	13	Presented to Governor	2032
May	17	Approved by Governor	2090

LEGISLATIVE BILL 263A By DeCamp

Apr.	27	Read first time. Placed on General File	1666
Apr.	29	Failed to advance for review	1729
Apr.	29	Referred for review	1731
May	2	Placed on Select File	1751
May	3	Referred for engrossment	1782
May	4	Correctly engrossed	1813
May	9	Final Reading	1887
May	13	Warner motion to reconsider prevailed. Final Reading	2017
May	13	Correctly enrolled. President signed	2030
May	13	Presented to Governor	2032
May	17	Approved by Governor	2090

LEGISLATIVE BILL 264 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	197
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209
Jan.	27	Notice of hearing	312
Feb.	14	Placed on General File	459
Feb.	24	Laid over	584
Mar.	15	Laid over	863
Mar.	16	Referred for review	878
Mar.	18	Placed on Select File	915
Mar.	22	Burrows motion to indefinitely postpone pending	989
Mar.	25	Burrows pending motion lost. Newell motion to bracket lost. Referred for engrossment	1057
Mar.	28	Correctly engrossed	1092
Mar.	29	Burrows amendments printed	1139
Mar.	31	Burrows motion to return to Select File for amendment lost. Bracketed	1197
Apr.	4	Final Reading	1236
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 265 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	197
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209
Jan.	27	Notice of hearing	312
Feb.	23	Placed on General File	568
Mar.	10	Referred for review	797
Mar.	14	Placed on Select File	815
Mar.	15	Referred for engrossment	851
Mar.	16	Correctly engrossed	880
Mar.	21	Final Reading	940
Mar.	21	Stoney and Venditte explanations of vote	948
Mar.	22	Correctly enrolled. President signed	977
Mar.	23	Presented to Governor	1007
Mar.	24	Carsten explanation of vote	1047
Mar.	28	Approved by Governor	1090

LEGISLATIVE BILL 266 By Banking, Commerce and Insurance Committee

Jan.	18	Read first time	198
Jan.	19	Referred to Committee on Banking, Commerce and Insurance	209
Jan.	26	Notice of hearing	286
Feb.	22	Placed on General File	553
Mar.	3	Referred for review	695
Mar.	7	Placed on Select File	722
Mar.	8	Referred for engrossment	744
Mar.	9	Correctly engrossed	781
Mar.	14	Final Reading	819
Mar.	15	Correctly enrolled. President signed	837
Mar.	16	Presented to Governor	866
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 267 By F. Lewis

Jan.	18	Read first time	198
Jan.	19	Referred to Committee on Public Works	209
Jan.	26	Notice of hearing	285
Feb.	8	Placed on General File	388
Feb.	17	Bracketed	523
Feb.	25	Referred for review	622
Mar.	1	Placed on Select File	652
Mar.	2	Referred for engrossment	682
Mar.	4	Correctly engrossed	707
Mar.	9	Returned to Select File for F. Lewis amendment	764
Mar.	9	F. Lewis amendment adopted. Referred for re-engrossment	775
Mar.	11	Replaced on Select File	803
Mar.	14	Referred for re-engrossment	825
Mar.	15	Correctly re-engrossed	837
Mar.	18	Final Reading	917
Mar.	21	Correctly enrolled. President signed	936
Mar.	22	Presented to Governor	977
Mar.	28	Approved by Governor	1090

LEGISLATIVE BILL 268 By Agriculture and Environment Committee

Jan.	18	Read first time	198
Jan.	19	Referred to Committee on Agriculture and Environment	209
Jan.	31	Notice of hearing	320
Feb.	15	Placed on General File	474

Feb. 24	Referred for review	586
Feb. 28	Placed on Select File	628
Mar. 2	Referred for engrossment	681
Mar. 4	Correctly engrossed	707
Mar. 9	Final Reading	764
Mar. 10	Correctly enrolled. President signed	786
Mar. 11	Presented to Governor	803
Mar. 17	Approved by Governor	888

LEGISLATIVE BILL 269 By Venditte

Jan. 18	Read first time	198
Jan. 19	Referred to Committee on Judiciary	209
Feb. 3	Notice of hearing	358
Mar. 25	Indefinitely postponed	1082

LEGISLATIVE BILL 270 By F. Lewis

Jan. 18	Read first time	198
Jan. 19	Referred to Committee on Revenue	209
Feb. 1	Notice of hearing	328
Mar. 1	Placed on General File	661

LEGISLATIVE BILL 271 By F. Lewis

Jan. 18	Read first time	198
Jan. 19	Referred to Committee on Judiciary	209
Jan. 25	Notice of hearing	281
Feb. 3	Notice of hearing cancelled	358
Feb. 3	Notice of hearing reset	359
Mar. 14	Placed on General File	829

LEGISLATIVE BILL 272 By F. Lewis

Jan. 18	Read first time	199
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	209
Feb. 2	Notice of hearing	341
Mar. 23	Indefinitely postponed	1008

LEGISLATIVE BILL 273 By F. Lewis

Jan. 18	Read first time	199
Jan. 19	Referred to Committee on Government, Military and Veterans Affairs	209
Jan. 27	Notice of hearing	307
Feb. 7	Indefinitely postponed	382

Feb.	8	F. Lewis motion to place on General File pending 401
Feb.	15	F. Lewis pending motion prevailed. Placed on General File 479
Mar.	16	F. Lewis amendment printed. Koch amendment lost. Chambers motion to bracket pending 884
Mar.	17	Koch point of personal privilege 889
Mar.	17	Chambers pending motion withdrawn. F. Lewis pending amendment renewed. Chambers amendment lost 898
Mar.	18	F. Lewis pending amendment renewed. Chambers amendment adopted. Newell motion to recommit lost. Simon amendment lost. Lamb motion to bracket lost. Barnett and Chambers amendments adopted. F. Lewis amendment, as amended, adopted. Referred for review 922
Mar.	22	Placed on Select File 974
Mar.	23	Referred for engrossment 1020
Mar.	24	Correctly engrossed 1039
Mar.	25	Bracketed 1078
Apr.	13	Bracketed 1373
Apr.	18	Laid over 1461
Apr.	19	DeCamp motion to return to Select File for amendment pending. Bracketed 1485
May	12	Savage amendment printed 1993
May	16	Dworak amendment printed 2078
May	16	Unbracketed. Returned to Select File for Savage amendment 2081
May	16	Savage amendment adopted. Referred for re-engrossment 2083
May	17	Dworak amendments printed 2105
May	18	Replaced on Select File 2119
May	18	Referred for re-engrossment 2120
May	18	Dworak motions to return to Select File for amendment and bracket lost 2132
May	18	Dworak pending amendments withdrawn. Simon motion to return to Select File for amendment lost 2134
May	18	Chambers motion to return to Select File for amendment pending 2136
May	23	Correctly re-engrossed 2148
May	24	Dworak amendment printed 2190
May	25	Dworak pending amendment withdrawn 2247
June	1	Final Reading 2292

June	1	Correctly enrolled. President signed	2300
June	1	Presented to Governor	2301
June	7	Approved by Governor	2321

LEGISLATIVE BILL 274 By Kelly

Jan.	18	Read first time	199
Jan.	19	Referred to Committee on Urban Affairs	209
Feb.	2	Notice of hearing	341
Mar.	21	Placed on General File	953
Mar.	25	Referred for review	1084
Mar.	29	Placed on Select File	1124
Mar.	30	Referred for engrossment	1182
Apr.	1	Correctly engrossed	1217
Apr.	6	Bracketed	1294
Apr.	6	Warner explanation of vote	1298
Apr.	6	Kelly amendment printed	1317
Apr.	12	Bracketed	1327
Apr.	12	Unbracketed	1369
Apr.	13	Kelly pending amendment withdrawn. Final Reading. Savage explanation of vote	1373
Apr.	14	Correctly enrolled	1398
Apr.	18	President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	18	Presented to Governor	1466
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 275 By Kelly

Jan.	18	Read first time	199
Jan.	19	Referred to Committee on Business & Labor	209
Jan.	20	Notice of hearing	221
Feb.	15	Placed on General File	487
Mar.	4	Referred for review	713
Mar.	8	Placed on Select File	735
Mar.	9	Hefner and F. Lewis amendments lost. Referred for engrossment	776
Mar.	10	Correctly engrossed	786
Mar.	21	Final Reading	941
Mar.	22	Correctly enrolled. President signed	977
Mar.	23	Presented to Governor	1007
Mar.	24	Carsten explanation of vote	1047
Mar.	28	Approved by Governor	1090

LEGISLATIVE BILL 275A By Kelly

Mar. 1	Read first time. Placed on General File	664
Mar. 4	Failed to advance for review	713
Mar. 10	Referred for review	798
Mar. 14	Placed on Select File	816
Mar. 15	Referred for engrossment	852
Mar. 16	Correctly engrossed	880
Mar. 21	Final Reading	942
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 276 By Fowler

Jan. 18	Read first time	199
Jan. 19	Referred to Committee on Judiciary	209
Feb. 3	Notice of hearing	358
Mar. 21	Placed on General File	962

LEGISLATIVE BILL 277 By Dworak

Jan. 18	Read first time	199
Jan. 19	Referred to Committee on Public Works	209
Jan. 27	Notice of hearing	306
Feb. 28	Indefinitely postponed	560

LEGISLATIVE BILL 278 By Burrows

Jan. 18	Read first time	200
Jan. 19	Referred to Committee on Judiciary	209
Feb. 3	Notice of hearing	358
Mar. 14	Indefinitely postponed	829

LEGISLATIVE BILL 279 By Hefner

Jan. 19	Read first time	204
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	217
Jan. 25	Notice of hearing	283
Feb. 14	Indefinitely postponed	459

LEGISLATIVE BILL 280 By Constitutional Revision and Recreation Committee

Jan. 19	Read first time	204
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	217
Feb. 3	Notice of hearing	358
Feb. 28	Indefinitely postponed	630

LEGISLATIVE BILL 281 By Constitutional Revision and Recreation Committee

Jan. 19	Read first time	204
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	217
Feb. 3	Notice of hearing	358

LEGISLATIVE BILL 282 By Constitutional Revision and Recreation Committee

Jan. 19	Read first time	204
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	217
Feb. 3	Notice of hearing	358
Mar. 10	Placed on General File	789

LEGISLATIVE BILL 283 By Judiciary Committee

Jan. 19	Read first time	204
Jan. 20	Referred to Committee on Judiciary	217
Jan. 25	Notice of hearing	281
Mar. 4	Placed on General File	709
Mar. 17	Referred for review	905
Mar. 21	Placed on Select File	933
Mar. 25	Fowler amendments printed. Laid over	1063
Mar. 28	Fowler pending amendments renewed, part withdrawn, part adopted. Referred for engrossment	1113
Mar. 30	Replaced on Select File	1156
Mar. 31	Referred for engrossment	1202
Apr. 4	Correctly engrossed	1233
Apr. 12	Final Reading	1327
Apr. 13	Correctly enrolled	1373
Apr. 18	President signed	1459
Apr. 18	Presented to Governor	1466
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 284 By Barnett

Jan.	19	Read first time	205
Jan.	20	Referred to Committee on Judiciary	217
Feb.	3	Notice of hearing	358
Mar.	8	Indefinitely postponed	743

LEGISLATIVE BILL 285 By Revenue Committee

Jan.	19	Read first time	205
Jan.	20	Referred to Committee on Revenue	217
Feb.	1	Notice of hearing	328
Mar.	4	Indefinitely postponed	708

LEGISLATIVE BILL 286 By Simon

Jan.	19	Read first time	205
Jan.	20	Referred to Committee on Government, Military and Veterans Affairs	217
Feb.	2	Notice of hearing	341
Mar.	25	Placed on General File	1078

LEGISLATIVE BILL 287 By Judiciary Committee

Jan.	19	Read first time	205
Jan.	20	Referred to Committee on Judiciary	217
Feb.	3	Notice of hearing	358
Mar.	9	Indefinitely postponed	779

LEGISLATIVE BILL 288 By Judiciary Committee

Jan.	19	Read first time	205
Jan.	20	Referred to Committee on Judiciary	217
Feb.	3	Notice of hearing	358
Mar.	9	Indefinitely postponed	779

LEGISLATIVE BILL 289 By Banking, Commerce and Insurance Committee

Jan.	19	Read first time	205
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	217
Jan.	27	Notice of hearing	312
Feb.	14	Indefinitely postponed	459

LEGISLATIVE BILL 290 By Banking, Commerce and Insurance Committee

Jan.	19	Read first time	206
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	217
Jan.	27	Notice of hearing	312
Feb.	23	Placed on General File	569
Mar.	31	Laid over	1210
Apr.	13	Bracketed	1391
Apr.	19	Labedz amendments printed	1510
Apr.	20	Labedz pending amendments adopted	1541
Apr.	21	DeCamp motion to indefinitely postpone lost. Referred for review	1568
Apr.	25	Placed on Select File	1602
Apr.	25	Kelly and Rasmussen amendments printed	1610
Apr.	26	Bracketed	1644
Apr.	28	Kelly and Rasmussen pending amendments withdrawn. Labedz amendment adopted. Referred for engrossment	1700
May	2	Replaced on Select File	1738
May	3	Referred for engrossment	1775
May	4	Correctly engrossed	1813
May	9	Final Reading	1890
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 291 By Banking, Commerce and Insurance Committee

Jan.	19	Read first time	206
Jan.	20	Referred to Committee on Banking, Commerce and Insurance	217
Jan.	31	Notice of hearing	321
Mar.	28	Placed on General File	1093
Mar.	31	Referred for review	1210
Apr.	4	Placed on Select File	1233
Apr.	5	Referred for engrossment	1265
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1425
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 292 By Kahle

Jan.	19	Read first time	206
Jan.	20	Referred to Committee on Judiciary	217
Jan.	25	Notice of hearing	281
Mar.	9	Indefinitely postponed	779

LEGISLATIVE BILL 293 By Mills, at request of Governor

Jan.	19	Read first time	206
Jan.	20	Referred to Committee on Miscellaneous Subjects	217
Jan.	26	Notice of hearing	288
Mar.	30	Placed on General File	1186

LEGISLATIVE BILL 294 By Mills, at request of Governor

Jan.	19	Read first time	206
Jan.	20	Referred to Committee on Judiciary	217
Jan.	25	Notice of hearing	281
Feb.	7	Placed on General File	385
Feb.	16	Mills, Warner and Schmit amendments adopted. Barnett motion to bracket lost. Referred for review	506
Feb.	18	Placed on Select File	527
Feb.	22	Mills amendment lost. Referred for engrossment	552
Feb.	24	Replaced on Select File	581
Feb.	25	Referred for engrossment	615
Feb.	28	Correctly engrossed	629
Mar.	3	Final Reading	693
Mar.	3	Schmit motion to reconsider prevailed	699
Mar.	7	Luedtke motion to return to Select File for amendment pending	732
Mar.	8	Returned to Select File for Luedtke pending amendment	745
Mar.	8	Luedtke pending amendment lost. Bracketed	746
Mar.	22	Referred for re-engrossment. Returned to Select File for Luedtke-Schmit amendment. Luedtke-Schmit amendment adopted. Referred for re-engrossment	990
Mar.	23	Replaced on Select File	1005
Mar.	24	Referred for re-engrossment	1042
Mar.	25	Correctly re-engrossed	1079
Mar.	31	Final Reading	1193
Apr.	1	Correctly enrolled. President signed	1217

Apr. 4	Presented to Governor	1231
Apr. 12	Approved by Governor	1333

LEGISLATIVE BILL 295 By Dworak

Jan. 19	Read first time	207
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	217
Feb. 3	Notice of hearing	357

LEGISLATIVE BILL 296 By Public Works Committee

Jan. 19	Read first time	207
Jan. 20	Referred to Committee on Public Works	217
Feb. 9	Notice of hearing	414

LEGISLATIVE BILL 297 By Public Works Committee

Jan. 19	Read first time	207
Jan. 20	Referred to Committee on Constitutional Revision and Recreation	217
Feb. 3	Notice of hearing	357

LEGISLATIVE BILL 298 By Public Works Committee

Jan. 19	Read first time	207
Jan. 20	Referred to Committee on Public Works	217
Jan. 27	Notice of hearing	306
Jan. 27	Notice of hearing cancelled	312
Feb. 1	Notice of hearing reset	327
Mar. 31	Placed on General File	1189
Apr. 22	Laid over	1586
May 2	Kelly amendment printed	1763

LEGISLATIVE BILL 298A By Kremer

Apr. 14	Read first time. Placed on General File	1403

LEGISLATIVE BILL 299 By Public Works Committee

Jan. 19	Read first time	207
Jan. 20	Referred to Committee on Public Works	217
Jan. 27	Notice of hearing	306
Jan. 27	Notice of hearing cancelled	312
Feb. 1	Notice of hearing reset	327

LEGISLATIVE BILL 300 By Public Works Committee

Jan. 19	Read first time	208
Jan. 20	Referred to Committee on Public Works	217
Jan. 27	Notice of hearing	306
Jan. 27	Notice of hearing cancelled	312
Feb. 1	Notice of hearing reset	327

LEGISLATIVE BILL 301 By Lamb

Jan. 19	Read first time	208
Jan. 20	Referred to Committee on Revenue	217
Feb. 1	Notice of hearing	328
Mar. 4	Indefinitely postponed	708

LEGISLATIVE BILL 302 By Brennan

Jan. 19	Read first time	208
Jan. 20	Referred to Committee on Business & Labor	217
Jan. 27	Notice of hearing	299
Feb. 15	Placed on General File	491
Mar. 3	Newell amendment pending. Laid over	694
Mar. 28	Newell pending amendment withdrawn. Luedtke amendment to Kelly amendment adopted. Kelly amendment, as amended, lost. Failed to advance for review	1120
Mar. 29	Referred for review	1139
Mar. 31	Placed on Select File	1191
Apr. 1	Murphy motion to indefinitely postpone pending	1225
Apr. 5	Murphy pending motion withdrawn. Referred for engrossment	1272
Apr. 12	Correctly engrossed	1325
Apr. 15	Final Reading	1425
Apr. 18	Correctly enrolled. President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 19	Presented to Governor	1479
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 302A By Brennan

Mar. 11	Read first time. Placed on General File	807
Mar. 29	Brennan amendment adopted. Referred for review	1140
Mar. 31	Placed on Select File	1191
Apr. 1	Laid over	1225
Apr. 5	Referred for engrossment	1273

Apr. 12	Correctly engrossed	1325
Apr. 15	Final Reading	1426
Apr. 18	Correctly enrolled. President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 19	Presented to Governor	1479
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 303 By Schmit

Jan. 19	Read first time	208
Jan. 20	Referred to Committee on Banking, Commerce and Insurance	217
Jan. 31	Notice of hearing	321
Mar. 17	Placed on General File	896
Mar. 25	Murphy amendment adopted. Referred for review	1081
Mar. 29	Placed on Select File	1123
Mar. 30	Referred for engrossment	1182
Mar. 30	Bracketed	1187
Apr. 5	Schmit statement printed	1263
Apr. 12	Replaced on Select File	1323
Apr. 13	Referred for engrossment	1383
Apr. 14	Correctly engrossed	1413
Apr. 19	Laid over	1486
Apr. 19	Final Reading	1488
Apr. 20	Correctly enrolled	1523
Apr. 20	President signed	1524
Apr. 21	Presented to Governor	1551
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 304 By Keyes

Jan. 19	Read first time	208
Jan. 20	Referred to Committee on Government, Military and Veterans Affairs	217
Jan. 27	Notice of hearing	306
Feb. 22	Placed on General File	555
Mar. 1	Referred for review	695
Mar. 7	Placed on Select File	722
Mar. 8	Referred for engrossment	744
Mar. 9	Correctly engrossed	781
Mar. 14	Laid over	820
Mar. 15	Final Reading	840
Mar. 15	Returned to Select File for Kelly amendment	849
Mar. 15	Kelly amendment adopted. Referred for re-engrossment	852
Mar. 15	Stoney explanation of vote	855

Mar. 16 Correctly re-engrossed 879
Mar. 21 Final Reading 943
Mar. 22 Correctly enrolled. President signed 977
Mar. 23 Presented to Governor 1007
Mar. 24 Carsten explanation of vote 1047
Mar. 28 Approved by Governor 1090

LEGISLATIVE BILL 305 By Maxey

Jan. 19 Read first time 211
Jan. 20 Referred to Committee on Banking, Commerce and Insurance 217
Jan. 31 Notice of hearing 321
Mar. 17 Placed on General File 897
Mar. 25 Referred for review 1082
Mar. 29 Placed on Select File 1123
Mar. 30 Referred for engrossment 1182
Apr. 1 Correctly engrossed 1217
Apr. 6 Final Reading 1294
Apr. 12 Correctly enrolled 1325
Apr. 12 Speaker signed 1356
Apr. 12 Presented to Governor 1360
Apr. 18 Approved by Governor 1457

LEGISLATIVE BILL 305A By Maxey

Mar. 25 Read first time. Placed on General File 1053
Mar. 25 Referred for review 1083
Mar. 29 Placed on Select File 1123
Mar. 30 Referred for engrossment 1182
Apr. 1 Correctly engrossed 1217
Apr. 6 Final Reading 1295
Apr. 12 Correctly enrolled 1325
Apr. 12 Speaker signed 1356
Apr. 12 Presented to Governor 1360
Apr. 18 Approved by Governor 1457

LEGISLATIVE BILL 306 By Maxey

Jan. 19 Read first time 211
Jan. 20 Referred to Committee on Public Health and Welfare 217
Jan. 27 Notice of hearing 313
Feb. 25 Indefinitely postponed 601

LEGISLATIVE BILL 307 By Maxey

Jan. 19	Read first time	211
Jan. 20	Referred to Committee on Public Health and Welfare	217
Jan. 27	Notice of hearing	313
Feb. 25	Placed on General File	600
Mar. 10	Referred for review	799
Mar. 14	Placed on Select File	816
Mar. 15	Referred for engrossment	852
Mar. 16	Correctly engrossed	880
Mar. 21	Final Reading	943
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 308 By Agriculture and Environment Committee

Jan. 19	Read first time	211
Jan. 20	Referred to Committee on Agriculture and Environment	217
Jan. 31	Notice of hearing	320
Feb. 15	Placed on General File	474
Feb. 24	Referred for review	586
Feb. 28	Placed on Select File	629
Mar. 2	Referred for engrossment	682
Mar. 4	Correctly engrossed	707
Mar. 9	Final Reading	765
Mar. 10	Correctly enrolled. President signed	786
Mar. 11	Presented to Governor	803
Mar. 17	Approved by Governor	888

LEGISLATIVE BILL 309 By Executive Board

Jan. 19	Read first time	212
Jan. 20	Referred to Committee on Appropriations	217
Feb. 15	Notice of hearing	480
Apr. 15	Placed on General File	1455
May 13	Referred for review	2038
May 16	Placed on Select File	2066
May 18	Referred for engrossment	2119
May 18	Correctly engrossed	2135
May 24	Final Reading	2180
May 24	Correctly enrolled. Speaker signed	2190
May 24	Warner explanation of vote	2192
May 25	Presented to Governor	2195
June 1	Approved by Governor	2258

LEGISLATIVE BILL 309A By Appropriations Committee

May	4	Read first time. Placed on General File	1816
May	11	Warner amendment printed	1985
May	13	Warner pending amendment adopted. Referred for review	2039
May	16	Placed on Select File	2066
May	18	Referred for engrossment	2119
May	18	Correctly engrossed	2135
May	24	Final Reading	2181
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Approved by Governor	2258

LEGISLATIVE BILL 310 By Bereuter, Dworak and Fowler

Jan.	19	Read first time	212
Jan.	20	Referred to Committee on Miscellaneous Subjects	217
Jan.	27	Notice of hearing	298
Mar.	16	Bereuter, Dworak and Fowler motion to place on General File lost. Indefinitely postponed.	874

LEGISLATIVE BILL 311 By Public Health and Welfare Committee

Jan.	20	Read first time	217
Jan.	21	Referred to Committee on Public Health and Welfare	231
Jan.	27	Notice of hearing	313
Feb.	25	Placed on General File	601
Mar.	17	Referred for review	901
Mar.	21	Placed on Select File	933
Mar.	22	Referred for engrossment	987
Mar.	23	Correctly engrossed	1008
Mar.	29	Final Reading	1128
Mar.	30	Correctly enrolled. Speaker signed	1156
Mar.	31	Presented to Governor	1190
Apr.	4	Message from Governor	1253
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 311A By Public Health and Welfare Committee

Mar. 4	Read first time. Placed on General File	709
Mar. 17	Referred for review	902
Mar. 21	Placed on Select File	933
Mar. 22	Referred for engrossment	987
Mar. 23	Correctly engrossed	1008
Mar. 29	Final Reading	1128
Mar. 30	Correctly enrolled. Speaker signed	1156
Mar. 31	Presented to Governor	1190
Apr. 4	Message from Governor	1253
Apr. 5	Approved by Governor	1271

LEGISLATIVE BILL 312 By Public Health and Welfare Committee

Jan. 20	Read first time	218
Jan. 21	Referred to Committee on Public Health and Welfare	231
Jan. 27	Notice of hearing	313
Feb. 28	Placed on General File	631
Mar. 16	R. Lewis amendment printed	875
Mar. 17	R. Lewis amendment laid over. Referred for review	904
Mar. 21	Placed on Select File	933
Mar. 22	R. Lewis pending amendment adopted. Referred for engrossment	994
Mar. 24	Replaced on Select File	1028
Mar. 25	Referred for engrossment	1065
Mar. 28	Correctly engrossed	1092
Mar. 29	Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for re-engrossment	1138
Mar. 30	Returned to Select File for Marsh amendment. Marsh amendment adopted. Readvanced to Final Reading	1180
Apr. 4	Final Reading	1237
Apr. 4	Kelly explanation of vote	1247
Apr. 5	Correctly enrolled. Speaker signed	1258
Apr. 6	Presented to Governor	1292
Apr. 12	Approved by Governor	1333

LEGISLATIVE BILL 313 By Public Works Committee

Jan.	20	Read first time	218
Jan.	21	Referred to Committee on Public Works	231
Jan.	27	Notice of hearing	306

LEGISLATIVE BILL 314 By Public Works Committee

Jan.	20	Read first time	218
Jan.	21	Referred to Committee on Public Works	231
Jan.	26	Notice of hearing	286
Feb.	15	Placed on General File	478
Feb.	24	Referred for review	586
Feb.	28	Placed on Select File	629
Mar.	2	Referred for engrossment	682
Mar.	2	Chambers amendment printed	684
Mar.	4	Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for engrossment	710
Mar.	7	Correctly engrossed	722
Mar.	10	Final Reading	794
Mar.	11	Correctly enrolled	803
Mar.	11	President signed	804
Mar.	14	Presented to Governor	815
Mar.	17	Approved by Governor	888

LEGISLATIVE BILL 315 By Rasmussen

Jan.	20	Read first time	218
Jan.	21	Referred to Committee on Government, Military and Veterans Affairs	231
Feb.	2	Notice of hearing	340
Mar.	22	Placed on General File	1002

LEGISLATIVE BILL 316 By Marvel

Jan.	20	Read first time	218
Jan.	21	Referred to Committee on Public Works	231
Jan.	26	Notice of hearing	286
Mar.	1	Placed on General File	659

LEGISLATIVE BILL 317 By Mills

Jan.	20	Read first time	219
Jan.	21	Referred to Committee on Public Health and Welfare	231
Jan.	27	Notice of hearing	313
Mar.	3	Placed on General File	700

Mar. 17	Referred for review	904
Mar. 21	Placed on Select File	933
Mar. 22	Referred for engrossment	987
Mar. 23	Correctly engrossed	1008
Mar. 29	Final Reading	1129
Mar. 30	Correctly enrolled. Speaker signed	1156
Mar. 31	Presented to Governor	1190
Apr. 5	Approved by Governor	1271

LEGISLATIVE BILL 318 By Rumery

Jan. 20	Read first time	219
Jan. 21	Referred to Committee on Revenue	231
Jan. 21	Rumery motion to withdraw pending	232
Jan. 24	Withdrawn	267

LEGISLATIVE BILL 319 By Carsten

Jan. 20	Read first time	219
Jan. 21	Referred to Committee on Revenue	231
Feb. 1	Notice of hearing	328
Mar. 3	Indefinitely postponed	698

LEGISLATIVE BILL 320 By Savage

Jan. 20	Read first time	219
Jan. 21	Referred to Committee on Government, Military and Veterans Affairs	231
Feb. 2	Notice of hearing	341
Mar. 25	Indefinitely postponed	1078

LEGISLATIVE BILL 321 By Cope

Jan. 20	Read first time	219
Jan. 21	Referred to Committee on Business & Labor	231
Feb. 2	Notice of hearing	348
Feb. 9	Notice of hearing cancelled, reset	410
Mar. 22	Indefinitely postponed	974

LEGISLATIVE BILL 322 By Maresh

Jan. 20	Read first time	219
Jan. 21	Referred to Committee on Constitutional Revision and Recreation	231
Feb. 3	Notice of hearing	357

LEGISLATIVE BILL 323 By Mills

Jan.	20	Read first time	219
Jan.	21	Referred to Committee on Constitutional Revision and Recreation	231
Feb.	3	Notice of hearing	358
Mar.	10	Placed on General File	789

LEGISLATIVE BILL 324 By Warner

Jan.	20	Read first time	220
Jan.	21	Referred to Committee on Public Works	231
Jan.	26	Notice of hearing	286
Mar.	11	Placed on General File	810
Mar.	24	Referred for review	1043
Mar.	28	Placed on Select File	1090
Mar.	29	Referred for engrossment	1136
Mar.	30	Replaced on Select File	1156
Mar.	31	Referred for engrossment	1202
Apr.	4	Correctly engrossed	1233
Apr.	12	Final Reading	1328
Apr.	13	Correctly enrolled	1373
Apr.	18	President signed	1459
Apr.	18	Presented to Governor	1466
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 325 By Boughn

Jan.	20	Read first time	222
Jan.	21	Referred to Committee on Public Health and Welfare	231
Feb.	1	Notice of hearing	327

LEGISLATIVE BILL 326 By Newell

Jan.	20	Read first time	222
Jan.	21	Referred to Committee on Miscellaneous Subjects	231
Jan.	26	Notice of hearing	288
Feb.	16	Indefinitely postponed	506

LEGISLATIVE BILL 327 By Newell

Jan.	20	Read first time	222
Jan.	21	Referred to Committee on Revenue	231
Feb.	9	Notice of hearing	406
Mar.	24	Placed on General File	1038

LEGISLATIVE BILL 328 By Maxey

Jan.	20	Read first time	222
Jan.	21	Referred to Committee on Nebraska Retirement Systems	231
Jan.	25	Notice of hearing	280
Apr.	5	Placed on General File	1269
Apr.	15	Referred for review	1454
Apr.	19	Placed on Select File	1481
Apr.	20	Referred for engrossment	1541
Apr.	22	Correctly engrossed	1575
Apr.	26	Bracketed	1654
Apr.	28	Cullan amendments printed	1710
May	2	Cullan pending amendment withdrawn. Final Reading	1740
May	2	Correctly enrolled. President signed	1748
May	2	Presented to Governor	1752
May	9	Approved by Governor	1909

LEGISLATIVE BILL 329 By Maxey

Jan.	20	Read first time	222
Jan.	21	Referred to Committee on Miscellaneous Subjects	231
Jan.	27	Notice of hearing	298
Jan.	27	Notice of hearing cancelled, reset	313
Mar.	7	Placed on General File	725

LEGISLATIVE BILL 330 By Judiciary Committee

Jan.	20	Read first time	222
Jan.	21	Referred to Committee on Judiciary	231
Feb.	3	Notice of hearing	359
Mar.	21	Indefinitely postponed	962

LEGISLATIVE BILL 331 By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	223
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	231
Jan.	25	Notice of hearing	283
Jan.	26	Notice of hearing cancelled	286
Jan.	31	Notice of hearing reset	321

LEGISLATIVE BILL 332 By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	223
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	231
Jan.	26	Notice of hearing	286
Feb.	16	Placed on General File	503
Mar.	3	Laid over	694
Mar.	3	Referred for review	696
Mar.	7	Placed on Select File	722
Mar.	8	Referred for engrossment	745
Mar.	9	Correctly engrossed	781
Mar.	14	Final Reading	820
Mar.	15	Correctly enrolled. President signed	837
Mar.	16	Presented to Governor	866
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 333 By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	223
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	231
Jan.	31	Notice of hearing	321
Feb.	23	Placed on General File	573
Mar.	31	Referred for review	1210
Apr.	4	Placed on Select File	1233
Apr.	5	Referred for engrossment	1265
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1427
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 334 By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	223
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	231
Jan.	31	Notice of hearing	321
Feb.	23	Placed on General File	573
Mar.	10	Referred for review	797
Mar.	14	Placed on Select File	816
Mar.	15	Referred for engrossment	851
Mar.	16	Correctly engrossed	880

Mar. 21	Final Reading	944
Mar. 21	Venditte explanation of vote	948
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 335 By Banking, Commerce and Insurance Committee

Jan. 20	Read first time	224
Jan. 21	Referred to Committee on Banking, Commerce and Insurance	231
Jan. 31	Notice of hearing	321
Feb. 23	Placed on General File	573
Mar. 10	Referred for review	797
Mar. 14	Placed on Select File	816
Mar. 15	Referred for engrossment	851
Mar. 16	Correctly engrossed	880
Mar. 21	Final Reading	944
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 336 By Banking, Commerce and Insurance Committee

Jan. 20	Read first time	224
Jan. 21	Referred to Committee on Banking, Commerce and Insurance	231
Jan. 31	Notice of hearing	321
Feb. 23	Placed on General File	573
Mar. 10	Referred for review	797
Mar. 14	Placed on Select File	816
Mar. 15	Referred for engrossment	852
Mar. 16	Correctly engrossed	880
Mar. 21	Final Reading	946
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 337 By Brennan

Jan.	20	Read first time	224
Jan.	21	Referred to Committee on Business & Labor	231
Feb.	22	Notice of hearing	553
Mar.	22	Fitzgerald motion to place on General File pending	1003
Mar.	24	Fitzgerald pending motion withdrawn	1038
Mar.	24	Placed on General File	1039
Mar.	31	Referred for review	1208
Apr.	4	Placed on Select File	1232
Apr.	5	Referred for engrossment	1264
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1428
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 338 By Banking, Commerce and Insurance Committee

Jan.	20	Read first time	224
Jan.	21	Referred to Committee on Banking, Commerce and Insurance	231
Jan.	31	Notice of hearing	321
Apr.	5	Placed on General File	1279
Apr.	15	Duis amendment printed	1452
Apr.	22	Duis amendments adopted. Referred for review	1586
Apr.	26	Placed on Select File	1626
Apr.	27	Referred for engrossment	1662
May	2	Correctly engrossed	1740
May	5	Final Reading	1830
May	5	Kelly explanation of vote	1858
May	5	Correctly enrolled. President signed	1866
May	5	Presented to Governor	1869
May	10	Approved by Governor	1959

LEGISLATIVE BILL 339 By Lamb

Jan.	21	Read first time	232
Jan.	24	Referred to Committee on Education	247
Jan.	31	Notice of hearing	321
Feb.	3	Attorney General Opinion	357

LEGISLATIVE BILL 340 By Cope

Jan.	21	Read first time	232
Jan.	24	Referred to Committee on Urban Affairs	247
Feb.	2	Notice of hearing	341
Feb.	23	Placed on General File	576
May	9	Referred for review	1930
May	10	Placed on Select File	1943
May	11	Referred for engrossment	1982
May	12	Correctly engrossed	2005
May	17	Final Reading	2095
May	17	Correctly enrolled	2101
May	17	Speaker signed	2102
May	17	Presented to Governor	2104
May	23	Approved by Governor	2142

LEGISLATIVE BILL 341 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	232
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Feb.	7	Notice of hearing	383

LEGISLATIVE BILL 342 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	232
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Feb.	7	Notice of hearing	383

LEGISLATIVE BILL 343 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	233
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Jan.	25	Notice of hearing	280
May	2	Placed on General File	1761

LEGISLATIVE BILL 344 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	233
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Feb.	7	Notice of hearing	383
Apr.	5	Placed on General File	1269
Apr.	15	Hasebroock amendment adopted. Referred for review	1454
Apr.	19	Placed on Select File	1481

Apr.	20	Referred for engrossment	1541
Apr.	22	Correctly engrossed	1575
May	4	Final Reading	1800
May	4	Koch explanation of vote	1811
May	4	Correctly enrolled. Speaker signed	1813
May	4	Presented to Governor	1820
May	9	Approved by Governor	1909

LEGISLATIVE BILL 344A By Nebraska Retirement Systems Committee

Apr.	20	Read first time. Placed on General File	1528
Apr.	22	Referred for review	1585
Apr.	26	Placed on Select File	1626
Apr.	27	Referred for engrossment	1662
Apr.	29	Correctly engrossed	1718
May	4	Final Reading	1801
May	4	Koch explanation of vote	1811
May	4	Correctly enrolled. Speaker signed	1813
May	4	Presented to Governor	1820
May	9	Approved by Governor	1909

LEGISLATIVE BILL 345 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	233
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Jan.	25	Notice of hearing	280
Mar.	21	Placed on General File	963
Mar.	25	Referred for review	1085
Mar.	29	Placed on Select File	1124
Mar.	30	Referred for engrossment	1183
Apr.	1	Correctly engrossed	1217
Apr.	6	Final Reading	1296
Apr.	12	Correctly enrolled	1325
Apr.	12	Speaker signed	1356
Apr.	12	Presented to Governor	1360
Apr.	18	Approved by Governor	1457

LEGISLATIVE BILL 346 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	233
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Jan.	25	Notice of hearing	280
May	2	Placed on General File	1749
May	4	Goodrich amendment printed	1817
May	11	Referred for review	1966
May	11	Placed on Select File	1981

May	16	Goodrich pending amendment adopted. Referred for engrossment	2063
May	17	Correctly engrossed	2090
May	23	Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for re-engrossment. Chambers motion to return to Select File lost	2149
May	23	Correctly re-engrossed	2159
May	25	Final Reading	2206
May	25	Correctly enrolled	2221
May	25	President signed	2222
May	25	Presented to Governor	2228
June	1	Approved by Governor	2264

LEGISLATIVE BILL 347 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	234
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Feb.	7	Notice of hearing	383
Apr.	18	Placed on General File	1466
Apr.	29	Dworak amendment lost. Referred for review	1725
May	2	Placed on Select File	1751
May	3	Dworak amendment lost. Referred for engrossment	1777
May	4	Correctly engrossed	1813
May	16	Final Reading	2057
May	16	Correctly enrolled. President signed	2061
May	16	Presented to Governor	2064
May	23	Approved by Governor	2142

LEGISLATIVE BILL 347A By Nebraska Retirement Systems Committee

May	3	Read first time. Placed on General File	1780
May	9	Referred for review	1907
May	9	Placed on Select File	1916
May	10	Referred for engrossment	1947
May	11	Correctly engrossed	1964
May	16	Final Reading	2058
May	16	Correctly enrolled. President signed	2061
May	16	Presented to Governor	2064
May	23	Approved by Governor	2142

LEGISLATIVE BILL 348 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	234
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Feb.	7	Notice of hearing	383

LEGISLATIVE BILL 349 By Nebraska Retirement Systems Committee

Jan.	21	Read first time	234
Jan.	24	Referred to Committee on Nebraska Retirement Systems	247
Jan.	25	Notice of hearing	280
Apr.	18	Placed on General File	1466
Apr.	22	Referred for review	1592
Apr.	26	Placed on Select File	1627
Apr.	27	Referred for engrossment	1663
May	2	Correctly engrossed	1740
May	5	Final Reading	1830
May	5	Correctly enrolled. President signed	1866
May	5	Presented to Governor	1869
May	10	Approved by Governor	1959

LEGISLATIVE BILL 350 By Moylan

Jan.	21	Read first time	234
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328

LEGISLATIVE BILL 351 By Revenue Committee

Jan.	21	Read first time	234
Jan.	24	Referred to Committee on Revenue	247
Feb.	9	Notice of hearing	406
Mar.	15	Placed on General File	838

LEGISLATIVE BILL 352 By Revenue Committee

Jan.	21	Read first time	235
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328
Mar.	4	Indefinitely postponed	708

LEGISLATIVE BILL 353 By Revenue Committee

Jan. 21	Read first time	235
Jan. 24	Referred to Committee on Revenue	247
Feb. 1	Notice of hearing	328
Mar. 7	Placed on General File	723
Mar. 17	Corrected committee statement	891
Mar. 17	Referred for review	908
Mar. 21	Placed on Select File	934
Mar. 22	Keyes amendments adopted. Referred for engrossment	988
Mar. 23	Correctly engrossed	1008
Mar. 29	Returned to Select File for Keyes amendment	1130
Mar. 29	Keyes amendment adopted. Referred for re-engrossment	1136
Mar. 31	Replaced on Select File	1190
Apr. 1	Referred for re-engrossment	1225
Apr. 4	Correctly re-engrossed	1248
Apr. 12	Final Reading	1329
Apr. 13	Correctly enrolled	1373
Apr. 18	President signed	1459
Apr. 18	Presented to Governor	1466
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 354 By Revenue Committee

Jan. 21	Read first time	235
Jan. 24	Referred to Committee on Revenue	247
Feb. 1	Notice of hearing	328
Feb. 11	Indefinitely postponed	440

LEGISLATIVE BILL 355 By Revenue Committee

Jan. 21	Read first time	235
Jan. 24	Referred to Committee on Revenue	247
Feb. 9	Notice of hearing	406
Mar. 7	Placed on General File	725
Mar. 17	Referred for review	908
Mar. 21	Placed on Select File	934
Mar. 22	Duis amendment lost. Simon motion to bracket lost. Referred for engrossment	994
Mar. 23	Bracketed	1014
Mar. 25	R. Lewis motion to return to Select File for amendment pending	1075

Mar.	28	Unbracketed. R. Lewis pending motion lost	1114
Mar.	28	Duis motion to return to Select File for amendment withdrawn	1115
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1238
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 356 By Revenue Committee

Jan.	21	Read first time	235
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328
Mar.	3	Indefinitely postponed	698

LEGISLATIVE BILL 357 By Revenue Committee

Jan.	21	Read first time	236
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328
Feb.	11	Placed on General File	440
Feb.	18	Referred for review	538
Feb.	22	Placed on Select File	546
Feb.	23	Keyes amendment adopted. Referred for engrossment	567
Feb.	25	Correctly engrossed	619
Mar.	2	Final Reading	676
Mar.	2	Stoney explanation of vote	678
Mar.	2	Mills explanation of vote	680
Mar.	3	Correctly enrolled. President signed	691
Mar.	4	Presented to Governor	706
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 358 By Revenue Committee

Jan.	21	Read first time	236
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328
Mar.	4	Indefinitely postponed	708

LEGISLATIVE BILL 359 By Revenue Committee

Jan.	21	Read first time	236
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328
Mar.	4	Indefinitely postponed	708

LEGISLATIVE BILL 360 By Kahle

Jan.	21	Read first time	236
Jan.	24	Referred to Committee on Revenue	247
Feb.	1	Notice of hearing	328
Mar.	1	Placed on General File	661
Mar.	17	Keyes amendment printed	899
Mar.	23	Bracketed	1026

LEGISLATIVE BILL 361 By Duis

Jan.	21	Read first time	236
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	247
Jan.	31	Notice of hearing	321
Apr.	6	Placed on General File	1306
Apr.	22	Maxey amendment printed	1591
Apr.	27	Maresh amendments printed	1666
Apr.	29	Maxey amendment printed	1725
May	13	Bracketed	2024

LEGISLATIVE BILL 362 By Warner

Jan.	21	Read first time	237
Jan.	24	Referred to Committee on Miscellaneous Subjects	247
Jan.	26	Notice of hearing	288
Mar.	7	Placed on General File	725
Mar.	17	Referred for review	909
Mar.	21	Placed on Select File	934
Mar.	22	Referred for engrossment	988
Mar.	23	Correctly engrossed	1008
Mar.	29	Final Reading	1130
Mar.	30	Correctly enrolled. Speaker signed	1156
Mar.	31	Presented to Governor	1190
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 363 By Warner

Jan.	21	Read first time	237
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	247
Feb.	2	Notice of hearing	341
Mar.	8	Placed on General File	743
Mar.	17	Referred for review	910
Mar.	21	Placed on Select File	935
Mar.	22	Referred for engrossment	988
Mar.	23	Correctly engrossed	1008
Mar.	29	Final Reading	1131
Mar.	30	Correctly enrolled. Speaker signed	1156
Mar.	31	Presented to Governor	1190
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 364 By Appropriations Committee

Jan.	21	Read first time	237
Jan.	24	Referred to Committee on Appropriations	247
Jan.	27	Notice of hearing	310
Feb.	18	Placed on General File	527
Mar.	3	Referred for review	695
Mar.	7	Placed on Select File	722
Mar.	8	Referred for engrossment	744
Mar.	9	Correctly engrossed	781
Mar.	14	Final Reading	821
Mar.	15	Correctly enrolled. President signed	837
Mar.	16	Presented to Governor	866
Mar.	22	Approved by Governor	974

LEGISLATIVE BILL 365 By Appropriations Committee

Jan.	21	Read first time	237
Jan.	24	Referred to Committee on Appropriations	248
Jan.	27	Notice of hearing	310
Mar.	4	Placed on General File	713
Mar.	17	Referred for review	905
Mar.	21	Placed on Select File	933
Mar.	22	Referred for engrossment	987
Mar.	23	Replaced on Select File	1006
Mar.	23	Referred for engrossment. Expedited	1020
Mar.	24	Correctly engrossed	1039
Mar.	25	Returned to Select File for Barnett amendment. Barnett amendment adopted. Referred for re-engrossment	1078

Mar. 28	Replaced on Select File	1090
Mar. 29	Referred for re-engrossment	1136
Mar. 30	Correctly re-engrossed	1156
Apr. 4	Final Reading	1239
Apr. 4	Kelly explanation of vote	1247
Apr. 5	Correctly enrolled. Speaker signed	1258
Apr. 6	Presented to Governor	1292
Apr. 12	Approved by Governor	1333

LEGISLATIVE BILL 366 By Murphy

Jan. 21	Read first time	237
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	248
Jan. 31	Notice of hearing	321
Mar. 25	Placed on General File	1085
Mar. 31	Referred for review	1209
Apr. 4	Placed on Select File	1232
Apr. 5	F. Lewis motion to indefinitely postpone pending. F. Lewis motion to bracket lost. Laid over	1273
Apr. 6	F. Lewis pending motion withdrawn. Bracketed	1307
Apr. 13	Referred for engrossment	1385
Apr. 15	Correctly engrossed	1453
Apr. 20	Final Reading	1526
Apr. 21	Correctly enrolled. Speaker signed	1551
Apr. 22	Presented to Governor	1574
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 367 By Fowler

Jan. 21	Read first time	238
Jan. 24	Referred to Committee on Judiciary	248
Feb. 3	Notice of hearing	359

LEGISLATIVE BILL 368 By Clark

Jan. 21	Read first time	238
Jan. 24	Referred to Committee on Education	248
Jan. 31	Notice of hearing	322
Mar. 7	Placed on General File	732
Mar. 23	Referred for review	1026
Mar. 25	Placed on Select File	1052
Mar. 28	Referred for engrossment	1099

Mar. 30 Correctly engrossed 1156
Apr. 1 Final Reading 1218
Apr. 4 Correctly enrolled. Speaker signed 1233
Apr. 5 Presented to Governor 1257
Apr. 12 Approved by Governor 1333

LEGISLATIVE BILL 369 By Kelly

Jan. 21 Read first time 238
Jan. 24 Referred to Committee on Miscellaneous Subjects 248
Jan. 27 Notice of hearing 298
Mar. 7 Indefinitely postponed 726

LEGISLATIVE BILL 370 By Simon

Jan. 21 Read first time 238
Jan. 24 Referred to Committee on Miscellaneous Subjects 248
Jan. 27 Notice of hearing 298
Mar. 29 Indefinitely postponed 1150

LEGISLATIVE BILL 371 By Kahle

Jan. 21 Read first time 238
Jan. 24 Referred to Committee on Agriculture and Environment 248
Jan. 31 Notice of hearing 320
Mar. 2 Indefinitely postponed 681

LEGISLATIVE BILL 372 By Kelly

Jan. 21 Read first time 238
Jan. 24 Referred to Committee on Public Health and Welfare 248
Jan. 27 Notice of hearing 313
Mar. 3 Placed on General File 700
Apr. 25 Kelly amendments printed 1613
May 10 Marsh amendments printed 1941

LEGISLATIVE BILL 373 By Kremer

Jan. 21 Read first time 238
Jan. 24 Referred to Committee on Banking, Commerce and Insurance 248
Jan. 31 Notice of hearing 321
Feb. 22 Attorney General Opinion 542
Mar. 25 Placed on General File 1053

Mar.	31	Placed on General File, corrected report	1198
Apr.	12	Placed on General File, corrected report	1355

LEGISLATIVE BILL 374 By Cullan

Jan.	21	Read first time	239
Jan.	24	Referred to Committee on Urban Affairs	248
Feb.	2	Notice of hearing	341
Feb.	22	Placed on General File	557
Mar.	3	Committee amendment lost. Cullan amendment adopted. Referred for review	695
Mar.	7	Placed on Select File	722
Mar.	8	Referred for engrossment	745
Mar.	9	Correctly engrossed	781
Mar.	14	Final Reading	822
Mar.	15	Correctly enrolled. President signed	837
Mar.	16	Presented to Governor	866
Mar.	22	Approved by Governor	980

LEGISLATIVE BILL 375 By Boughn

Jan.	21	Read first time	239
Jan.	24	Referred to Committee on Education	248
Jan.	31	Notice of hearing	321

LEGISLATIVE BILL 376 By Rumery

Jan.	21	Read first time	239
Jan.	24	Referred to Committee on Miscellaneous Subjects	248
Jan.	26	Notice of hearing	288
Mar.	25	Indefinitely postponed	1052

LEGISLATIVE BILL 377 By Schmit

Jan.	21	Read first time	239
Jan.	24	Referred to Committee on Public Works	248
Feb.	1	Notice of hearing	327

LEGISLATIVE BILL 378 By Rumery

Jan.	21	Read first time	239
Jan.	24	Referred to Committee on Education	248
Jan.	26	Notice of hearing	288

LEGISLATIVE BILL 379 By Burrows

Jan.	21	Read first time	239
Jan.	24	Referred to Committee on Public Works	248
Jan.	27	Notice of hearing	306
Mar.	4	Indefinitely postponed	716

LEGISLATIVE BILL 380 By Burrows

Jan.	21	Read first time	240
Jan.	24	Referred to Committee on Public Health and Welfare	248
Jan.	27	Notice of hearing	313
Mar.	1	Placed on General File	661

LEGISLATIVE BILL 380A By Burrows

Mar.	9	Read first time. Placed on General File	778

LEGISLATIVE BILL 381 By Newell

Jan.	21	Read first time	240
Jan.	24	Referred to Committee on Appropriations	248
Feb.	15	Notice of hearing	481

LEGISLATIVE BILL 382 By Newell

Jan.	21	Read first time	240
Jan.	24	Referred to Committee on Revenue	248
Feb.	9	Notice of hearing	406

LEGISLATIVE BILL 383 By Koch

Jan.	21	Read first time	241
Jan.	24	Referred to Committee on Appropriations	248
Jan.	27	Notice of hearing	310
Feb.	7	Notice of hearing cancelled, reset	375
May	9	Indefinitely postponed	1906

LEGISLATIVE BILL 384 By Koch

Jan.	21	Read first time	242
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	248
Jan.	31	Notice of hearing	321
Apr.	5	Placed on General File	1281
Apr.	22	Referred for review	1587

Apr. 26	Placed on Select File	1627
Apr. 27	Referred for engrossment	1663
Apr. 29	Correctly engrossed	1717
May 4	Final Reading	1802
May 4	Koch explanation of vote	1811
May 4	Correctly enrolled. Speaker signed	1813
May 4	Presented to Governor	1820
May 9	Approved by Governor	1909

LEGISLATIVE BILL 385 By DeCamp

Jan. 21	Read first time	242
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	248
Jan. 25	Notice of hearing	283
Apr. 19	Placed on General File	1519

LEGISLATIVE BILL 386 By DeCamp

Jan. 21	Read first time	242
Jan. 24	Referred to Committee on Miscellaneous Subjects	248
Jan. 27	Notice of hearing	298
Apr. 1	Placed on General File	1214

LEGISLATIVE BILL 387 By Banking, Commerce and Insurance Committee

Jan. 21	Read first time	242
Jan. 24	Referred to Committee on Public Health and Welfare	248
Jan. 27	Notice of hearing	313
Feb. 28	Indefinitely postponed	631

LEGISLATIVE BILL 388 By Maxey

Jan. 21	Read first time	242
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	248
Feb. 2	Notice of hearing	341
Mar. 15	Attorney General Opinion	836
Mar. 22	Placed on General File	1002
Mar. 25	Chambers motions to indefinitely postpone and bracket lost. Laid over	1087

LEGISLATIVE BILL 389 By Maxey

Jan. 21	Read first time	242
Jan. 24	Referred to Committee on Education	248
Jan. 31	Notice of hearing	321
Feb. 11	Placed on General File	454
Feb. 18	Referred for review	538
Feb. 22	Placed on Select File	546
Feb. 23	Referred for engrossment	568
Feb. 24	Returned to Select File for Nichol amendment. Nichol amendment adopted. Referred for engrossment	588
Feb. 25	Replaced on Select File	600
Feb. 25	Kelly amendment printed	611
Feb. 28	Referred for engrossment. Returned to Select File for Kelly amendment	637
Feb. 28	Kelly amendment adopted. Referred for engrossment. Dworak motion to return to Select File for amendment lost	638
Mar. 2	Correctly engrossed	674
Mar. 15	Final Reading	847
Mar. 15	Stoney explanation of vote	855
Mar. 16	Correctly enrolled. President signed	868
Mar. 17	Presented to Governor	888
Mar. 22	Returned by Governor without approval	998
Mar. 22	Maxey motion to override veto pending	1001
Mar. 24	Passed over Governor's veto	1034
Mar. 24	Communciation. Certificate	1036
Mar. 24	Letter	1041

LEGISLATIVE BILL 389A By Maxey

Feb. 16	Read first time. Placed on General File	504
Feb. 18	Referred for review	538
Feb. 22	Placed on Select File	546
Feb. 23	Referred for engrossment	568
Feb. 24	Returned to Select File for Maxey amendment	587
Feb. 24	Maxey amendment adopted. Referred for engrossment	588
Mar. 2	Correctly engrossed	674
Mar. 15	Final Reading	847
Mar. 15	Stoney explanation of vote	855
Mar. 16	Correctly enrolled. President signed	868

Mar.	17	Presented to Governor	888
Mar.	22	Returned by Governor without approval	998
Mar.	22	Maxey motion to override veto pending	1002
Mar.	24	Passed over Governor's veto	1035
Mar.	24	Communication. Certificate	1037
Mar.	24	Letter	1041

LEGISLATIVE BILL 390 By Agriculture and Environment Committee

Jan.	21	Read first time	243
Jan.	24	Referred to Committee on Agriculture and Environment	248
Jan.	31	Notice of hearing	320
Feb.	3	Notice of hearing cancelled, reset	361
Mar.	29	Placed on General File	1145
Apr.	15	Referred for review	1451
Apr.	18	Mills amendments printed	1463
Apr.	19	Placed on Select File	1480
Apr.	21	Mills pending amendment renewed. Laid over	1563
Apr.	26	Bracketed	1643
Apr.	26	Unbracketed. Mills pending amendment renewed, part lost, part withdrawn. Bracketed	1650
Apr.	27	George amendments printed	1671
Apr.	28	George pending amendment lost. Carsten amendment adopted. Newell amendment to Cullan amendment adopted. Marsh to Cullan amendment lost. Cullan amendment, as amended, lost	1692
Apr.	28	Referred for engrossment	1698
Apr.	29	Replaced on Select File	1717
May	2	Cullan amendment adopted. Referred for engrossment	1767
May	4	Correctly engrossed	1813
May	9	Final Reading	1891
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 390A By Agriculture and Environment Committee

Apr.	4	Read first time. Placed on General File	1254
Apr.	15	Referred for review	1451
Apr.	19	Placed on Select File	1480
Apr.	21	Laid over	1563
Apr.	28	Referred for engrossment	1698
May	4	Correctly engrossed	1813

May	9	Final Reading	1891
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 391 By Revenue Committee

Jan.	24	Read first time	248
Jan.	24	Referred to Committee on Revenue	277
Feb.	9	Notice of hearing	406
Mar.	15	Placed on General File	839
Mar.	24	Referred for review	1045
Mar.	28	Placed on Select File	1091
Mar.	29	Referred for engrossment	1137
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1240
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 392 By George

Jan.	24	Read first time	249
Jan.	24	Referred to Committee on Revenue	277
Feb.	1	Notice of hearing	328

LEGISLATIVE BILL 393 By R. Lewis

Jan.	24	Read first time	249
Jan.	24	Referred to Committee on Public Works	277
Jan.	26	Notice of hearing	286
Feb.	8	Placed on General File	388
Feb.	17	Referred for review	520
Feb.	28	Placed on Select File	628
Mar.	2	Referred for engrossment	681
Mar.	3	Replaced on Select File	690
Mar.	4	Referred for engrossment	709
Mar.	7	Correctly engrossed	732
Mar.	10	Final Reading	795
Mar.	11	Correctly enrolled	803
Mar.	11	President signed	804
Mar.	14	Presented to Governor	815
Mar.	17	Approved by Governor	888

LEGISLATIVE BILL 394 By Lamb

Jan.	24	Read first time	249
Jan.	24	Referred to Committee on Revenue	277
Feb.	1	Notice of hearing	328
Feb.	28	Placed on General File	631
Mar.	30	Newell amendments printed	1187

LEGISLATIVE BILL 395 By Rasmussen

Jan.	24	Read first time	249
Jan.	24	Referred to Committee on Public Works	277
Jan.	26	Notice of hearing	285
Mar.	10	Placed on General File	789

LEGISLATIVE BILL 396 By Rasmussen

Jan.	24	Read first time	249
Jan.	24	Referred to Committee on Public Works	277
Jan.	26	Notice of hearing	285
Feb.	7	Placed on General File	381
Feb.	15	Referred for review	487
Feb.	17	Placed on Select File	511
Feb.	18	Referred for engrossment	534
Feb.	22	Correctly engrossed	547
Feb.	25	Final Reading	610
Feb.	28	Correctly enrolled. Speaker signed	630
Mar.	1	Presented to Governor	651
Mar.	7	Approved by Governor	721

LEGISLATIVE BILL 397 By R. Lewis

Jan.	24	Read first time	249
Jan.	24	Referred to Committee on Public Health and Welfare	277
Jan.	27	Notice of hearing	314
Mar.	16	Indefinitely postponed	881

LEGISLATIVE BILL 398 By Kahle

Jan.	24	Read first time	250
Jan.	24	Referred to Committee on Constitutional Revision and Recreation	277
Feb.	3	Notice of hearing	358
Feb.	28	Placed on General File	630
Mar.	10	Newell amendment withdrawn. Laid over	799
Mar.	23	Bracketed	1026
Apr.	1	Bracketed	1226

Apr.	5	Newell amendments printed	1262
Apr.	6	Newell amendment as amended lost. Referred for review	1315
Apr.	12	Placed on Select File	1324
Apr.	13	Laid over	1384
Apr.	14	Newell re-offered amendment adopted. Referred for engrossment	1407
Apr.	18	Replaced on Select File	1459
Apr.	21	Referred for engrossment	1558
Apr.	26	Returned to Select File for Duis amendment. Duis amendment lost. Failed to advance for review	1640
Apr.	27	Referred for engrossment	1663
Apr.	27	Dworak and Marsh motions to return to Select File for amendments lost	1664
Apr.	29	Correctly engrossed	1718
May	4	Final Reading	1803
May	4	Koch explanation of vote	1811
May	4	Correctly enrolled. Speaker signed	1813
May	4	Presented to Governor	1820
May	9	Approved by Governor	1909

LEGISLATIVE BILL 399 By Business and Labor Committee

Jan.	24	Read first time	250
Jan.	24	Referred to Committee on Business & Labor	277
Jan.	27	Notice of hearing	299
Feb.	15	Placed on General File	474
Feb.	24	Referred for review	585
Feb.	28	Placed on Select File	628
Mar.	2	Maresh amendment adopted. Referred for engrossment	681
Mar.	3	Replaced on Select File	690
Mar.	4	Referred for engrossment	709
Mar.	7	Correctly engrossed	722
Mar.	10	Final Reading	796
Mar.	11	Correctly enrolled	803
Mar.	11	President signed	804
Mar.	14	Presented to Governor	815
Mar.	17	Approved by Governor	888

LEGISLATIVE BILL 400 By Barnett

Jan.	24	Read first time	250
Jan.	24	Referred to Committee on Judiciary	277
Feb.	3	Notice of hearing	358
Feb.	23	Indefinitely postponed	575

LEGISLATIVE BILL 401 By Clark

Jan. 24	Read first time	250
Jan. 24	Referred to Committee on Miscellaneous Subjects	277
Jan. 26	Notice of hearing	288
Feb. 15	Placed on General File	474
Feb. 24	Clark amendment adopted. Mills amendment pending. Laid over	585
Mar. 15	Mills pending amendment withdrawn. Barnett motion to indefinitely postpone lost	864
Mar. 16	Fowler, Barnett and Newell amendments lost. Referred for review	877
Mar. 18	Placed on Select File	915
Mar. 22	Warner amendment adopted. Referred for engrossment	989
Mar. 24	Correctly engrossed	1039
Mar. 30	Final Reading	1166
Mar. 31	Correctly enrolled. President signed	1190
Apr. 1	Presented to Governor	1217
Apr. 5	Approved by Governor	1271

LEGISLATIVE BILL 402 By Swigart

Jan. 24	Read first time	250
Jan. 24	Referred to Committee on Public Works	277
Jan. 27	Notice of hearing	306
Feb. 28	Placed on General File	635
May 17	Kremer and Marsh names added	2104

LEGISLATIVE BILL 403 By Boughn

Jan. 24	Read first time	250
Jan. 24	Referred to Committee on Education	277
Jan. 31	Notice of hearing	322
May 25	Placed on General File	2195

LEGISLATIVE BILL 404 By Boughn

Jan. 24	Read first time	250
Jan. 24	Referred to Committee on Public Works	277
Jan. 26	Notice of hearing	286
Apr. 6	Placed on General File	1308

LEGISLATIVE BILL 405 By Moylan

Jan.	24	Read first time	251
Jan.	24	Referred to Committee on Public Works	277
Jan.	26	Notice of hearing	285
Apr.	13	Placed on General File	1385

LEGISLATIVE BILL 406 By Moylan

Jan.	24	Read first time	251
Jan.	24	Referred to Committee on Public Health and Welfare	277
Jan.	27	Notice of hearing	314
Mar.	4	Placed on General File	707
Apr.	20	Nichol amendment printed	1524

LEGISLATIVE BILL 406A By Moylan

Mar.	10	Read first time. Placed on General File	794

LEGISLATIVE BILL 407 By Labedz

Jan.	24	Read first time	251
Jan.	24	Referred to Committee on Revenue	277
Feb.	1	Notice of hearing	328
Feb.	3	Notice of hearing cancelled	361
Feb.	9	Notice of hearing reset	407
Mar.	15	Placed on General File	849
Apr.	19	Placed on General File, corrected report	1511

LEGISLATIVE BILL 408 By Chambers

Jan.	24	Read first time	251
Jan.	24	Referred to Committee on Constitutional Revision and Recreation	277
Feb.	3	Notice of hearing	357
Mar.	17	Placed on General File	898
Apr.	14	Chambers motion to bracket withdrawn	1401

LEGISLATIVE BILL 409 By Fowler

Jan.	24	Read first time	251
Jan.	24	Referred to Committee on Public Health and Welfare	277
Jan.	27	Notice of hearing	314
Mar.	3	Indefinitely postponed	691

LEGISLATIVE BILL 410 By Rasmussen

Jan.	24	Read first time	252
Jan.	24	Referred to Committee on Public Works	277
Feb.	1	Notice of hearing	327
Feb.	9	Notice of hearing cancelled, reset	414
Feb.	22	Placed on General File	547
Feb.	22	Referred for review. Expedited	560
Feb.	23	Placed on Select File	563
Feb.	23	Referred for engrossment	565
Feb.	23	Correctly engrossed	568
Feb.	28	Final Reading	633
Feb.	28	Correctly enrolled. Speaker signed	637
Feb.	28	Presented to Governor	639
Mar.	2	Approved by Governor	668

LEGISLATIVE BILL 411 By Maresh

Jan.	24	Read first time	252
Jan.	24	Referred to Committee on Public Works	277
Feb.	1	Notice of hearing	327
Mar.	8	Placed on General File	736

LEGISLATIVE BILL 412 By Stoney

Jan.	24	Read first time	252
Jan.	24	Referred to Committee on Public Health and Welfare	277
Jan.	27	Notice of hearing	314
Mar.	3	Indefinitely postponed	691

LEGISLATIVE BILL 413 By Stoney

Jan.	24	Read first time	252
Jan.	24	Referred to Committee on Appropriations	277
Jan.	27	Notice of hearing	310

LEGISLATIVE BILL 414 By George

Jan.	24	Read first time	252
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	277
Jan.	31	Notice of hearing	321
Apr.	5	Indefinitely postponed	1281

LEGISLATIVE BILL 415 By Savage

Jan.	24	Read first time	252
Jan.	24	Referred to Committee on Miscellaneous Subjects	277
Jan.	26	Notice of hearing	288
Jan.	27	Notice of hearing cancelled	312
Feb.	7	Notice of hearing reset	381
Mar.	7	Indefinitely postponed	726

LEGISLATIVE BILL 416 By Burrows, Brennan and Merz

Jan.	24	Read first time	253
Jan.	24	Referred to Committee on Revenue	277
Feb.	9	Notice of hearing	407

LEGISLATIVE BILL 417 By Burrows, Venditte and Merz

Jan.	24	Read first time	253
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	277
Jan.	31	Notice of hearing	321
Mar.	17	Indefinitely postponed	897

LEGISLATIVE BILL 418 By Venditte

Jan.	24	Read first time	253
Jan.	24	Referred to Committee on Judiciary	277
Feb.	3	Notice of hearing	358
Mar.	21	Indefinitely postponed	962

LEGISLATIVE BILL 419 By Public Works Committee

Jan.	24	Read first time	253
Jan.	24	Referred to Committee on Public Works	277
Jan.	27	Notice of hearing	306
Mar.	8	Placed on General File	738
Mar.	17	Stoney amendment lost. Referred for review	910
Mar.	21	Placed on Select File	934
Mar.	22	Keyes and Mills amendments adopted. Referred for engrossment	999
Mar.	23	Replaced on Select File	1014
Mar.	24	Referred for engrossment	1042
Mar.	25	Correctly engrossed	1080
Mar.	31	Final Reading	1193
Apr.	1	Correctly enrolled. President signed	1217
Apr.	4	Presented to Governor	1231

Apr.	5	Motion. Return to Legislature	1275
Apr.	5	Returned to Legislature by Governor	1288
Apr.	5	Mills motion to reconsider prevailed. Bracketed	1289
Apr.	12	Mills amendments printed	1356
Apr.	21	Returned to Select File for Mills amendments	1553
Apr.	21	Mills amendments adopted. Referred for re-engrossment	1557
Apr.	25	Correctly re-engrossed	1609
Apr.	28	Final Reading	1690
Apr.	29	Correctly enrolled. President signed	1718
Apr.	29	Mills explanation of vote	1723
May	2	Presented to Governor	1737
May	9	Approved by Governor	1909

LEGISLATIVE BILL 420 By Public Works Committee

Jan.	24	Read first time	253
Jan.	24	Referred to Committee on Public Works	277
Feb.	1	Notice of hearing	327
Mar.	2	Placed on General File	674

LEGISLATIVE BILL 421 By Public Works Committee

Jan.	24	Read first time	253
Jan.	24	Referred to Committee on Public Works	277
Feb.	1	Notice of hearing	327
Mar.	8	Placed on General File	738
Mar.	17	Referred for review	910
Mar.	17	Burrows amendment printed	911
Mar.	21	Placed on Select File	935
Mar.	22	Burrows pending amendment withdrawn. Barnett, Kremer and Cullan amendments adopted. Mills amendment lost. F. Lewis motion to indefinitely postpone pending	1000
Mar.	23	F. Lewis pending motion withdrawn. Referred for engrossment	1020
Mar.	25	Replaced on Select File	1051
Mar.	28	Referred for engrossment	1099
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1241
Apr.	4	Kelly explanation of vote	1247
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 422 By Boughn

Jan. 24	Read first time	254
Jan. 24	Referred to Committee on Constitutional Revision and Recreation	277
Feb. 3	Notice of hearing	358
Mar. 10	Indefinitely postponed	789

LEGISLATIVE BILL 423 By Boughn

Jan. 24	Read first time	254
Jan. 24	Referred to Committee on Nebraska Retirement Systems	278
Feb. 7	Notice of hearing	383

LEGISLATIVE BILL 424 By Schmit

Jan. 24	Read first time	254
Jan. 24	Referred to Committee on Business & Labor	278
Jan. 27	Notice of hearing	299
Mar. 16	Placed on General File	869

LEGISLATIVE BILL 425 By Schmit

Jan. 24	Read first time	254
Jan. 24	Referred to Committee on Public Health and Welfare	278
Feb. 10	Notice of hearing	417
Mar. 14	Placed on General File	834
Mar. 24	Laid over	1045
Mar. 25	Referred for review	1080
Mar. 29	Placed on Select File	1122
Mar. 30	Laid over	1181
Apr. 5	Bracketed	1272
Apr. 12	Attorney General Opinion	1339
Apr. 14	Schmit amendment pending. Laid over	1414
Apr. 18	Schmit pending amendment adopted. Newell amendment lost. Referred for engrossment	1476
Apr. 20	Replaced on Select File	1522
Apr. 21	Referred for engrossment	1558
Apr. 25	Correctly engrossed	1609
Apr. 28	Final Reading	1691
Apr. 29	Correctly enrolled. President signed	1718
Apr. 29	Mills explanation of vote	1723
May 2	Presented to Governor	1737
May 9	Approved by Governor	1909

LEGISLATIVE BILL 426 By F. Lewis

Jan.	24	Read first time 254
Jan.	24	Referred to Committee on Miscellaneous Subjects 278
Jan.	27	Notice of hearing 298
Feb.	8	DeCamp amendments printed 395
Mar.	31	Placed on General File 1206

LEGISLATIVE BILL 427 By F. Lewis

Jan.	24	Read first time 254
Jan.	24	Referred to Committee on Public Works 278
Feb.	1	Notice of hearing 327
Feb.	23	Placed on General File 564
Mar.	9	Committee amendments lost. Bracketed 780
Mar.	9	Keyes amendment printed 781
Mar.	14	Bracketed 834
Apr.	19	Keyes amendment printed 1506
Apr.	20	F. Lewis amendment printed 1547
Apr.	21	Keyes pending amendment withdrawn. F. Lewis pending amendment adopted. Referred for review 1569
Apr.	25	Placed on Select File 1603
Apr.	25	Luedtke amendment printed 1622
Apr.	26	Laid over 1634
Apr.	26	Luedtke pending amendment adopted. Keyes reoffered amendment adopted. Referred for engrossment 1644
Apr.	28	Replaced on Select File 1676
Apr.	28	Referred for engrossment. Returned to Select File for Keyes amendment. Keyes amendment adopted. Referred for engrossment 1705
May	2	Replaced on Select File 1738
May	3	Referred for engrossment 1775
May	4	Correctly engrossed 1813
May	9	Final Reading 1892
May	9	Correctly enrolled. Speaker signed 1905
May	9	Presented to Governor 1914
May	12	Approved by Governor 2007

LEGISLATIVE BILL 428 By Koch

Jan.	24	Read first time 255
Jan.	24	Referred to Committee on Education 278
Jan.	31	Notice of hearing 321

LEGISLATIVE BILL 429 By Goodrich

Jan.	24	Read first time	255
Jan.	24	Referred to Committee on Public Works	278
Jan.	27	Notice of hearing	306
Apr.	18	Indefinitely postponed	1470

LEGISLATIVE BILL 430 By Hefner

Jan.	24	Read first time	255
Jan.	24	Referred to Committee on Education	278
Jan.	31	Notice of hearing	322
Mar.	21	Placed on General File	962
Mar.	25	Hefner amendment adopted. Referred for review	1084
Mar.	29	Placed on Select File	1124
Mar.	30	Hefner amendment adopted. Referred for engrossment	1182
Apr.	1	Replaced on Select File	1213
Apr.	1	Lamb amendment printed	1217
Apr.	5	Referred for engrossment. Returned to Select File for Lamb amendment. Lamb amendment adopted. Referred for engrossment	1272
Apr.	12	Replaced on Select File	1323
Apr.	13	Referred for engrossment	1384
Apr.	14	Correctly engrossed	1413
Apr.	19	Final Reading	1486
Apr.	20	Correctly enrolled	1523
Apr.	20	President signed	1524
Apr.	21	Presented to Governor	1551
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 431 By Labedz

Jan.	24	Read first time	267
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	278
Jan.	31	Notice of hearing	321
Mar.	17	Placed on General File	897
May	23	Duis name added. Maresh amendment adopted. Chambers and Newell amendments lost. Chambers motion to indefinitely postpone lost. Referred for review	2163
May	23	Placed on Select File	2169

May	23	Chambers amendment pending	2170
May	24	Chambers pending amendment lost	2188
May	24	Referred for engrossment	2189
May	24	Correctly engrossed	2191
June	1	Final Reading	2310
June	1	Correctly enrolled. President signed. Presented to Governor	2314
June	7	Communication	2319
June	7	Approved by Governor	2321

LEGISLATIVE BILL 432 By Merz

Jan.	24	Read first time	267
Jan.	24	Referred to Committee on Public Health and Welfare	278
Jan.	27	Notice of hearing	314
Mar.	14	Indefinitely postponed	834

LEGISLATIVE BILL 433 By Agriculture and Environment Committee

Jan.	24	Read first time	268
Jan.	24	Referred to Committee on Agriculture and Environment	278
Jan.	31	Notice of hearing	320
Mar.	2	Indefinitely postponed	681

LEGISLATIVE BILL 434 By Agriculture and Environment Committee

Jan.	24	Read first time	268
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	278
Jan.	27	Schmit motion to re-refer pending	307
Feb.	1	Schmit pending motion lost	331
Feb.	2	Notice of hearing	341
Feb.	3	Notice of hearing cancelled	358

LEGISLATIVE BILL 435 By Agriculture and Environment Committee

Jan.	24	Read first time	268
Jan.	24	Referred to Committee on Agriculture and Environment	278
Jan.	31	Notice of hearing	320

LEGISLATIVE BILL 436 By Chambers

Jan.	24	Read first time	269
Jan.	24	Referred to Committee on Judiciary	278
Feb.	3	Notice of hearing	359
Mar.	21	Placed on General File	962

LEGISLATIVE BILL 437 By Constitutional Revision and Recreation Committee

Jan.	24	Read first time	270
Jan.	26	Referred to Committee on Appropriations	287
Feb.	15	Notice of hearing	481

LEGISLATIVE BILL 438 By Kelly

Jan.	24	Read first time	270
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	359
Mar.	22	Indefinitely postponed	980

LEGISLATIVE BILL 439 By F. Lewis

Jan.	24	Read first time	270
Jan.	26	Referred to Committee on Public Works	287
Feb.	1	Notice of hearing	327
Feb.	17	Withdrawn	524

LEGISLATIVE BILL 440 By Education Committee

Jan.	24	Read first time	270
Jan.	26	Referred to Committee on Education	287
Feb.	11	Notice of hearing	454
Mar.	17	Placed on General File	909
Mar.	24	Lamb amendment printed	1048
Mar.	25	Laid over	1083

LEGISLATIVE BILL 441 By Education Committee

Jan.	24	Read first time	271
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	321
Feb.	25	Placed on General File	600
Mar.	23	Attorney General Opinion	1023

LEGISLATIVE BILL 442 By Education Committee

Jan.	24	Read first time	271
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	322

LEGISLATIVE BILL 443 By Education Committee

Jan.	24	Read first time	271
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	321
Feb.	11	Placed on General File	454
Feb.	18	Nichol amendments adopted. Referred for review	538
Feb.	22	Placed on Select File	546
Feb.	23	Referred for engrossment	568
Feb.	25	Correctly engrossed	619
Mar.	1	Final Reading	658
Mar.	2	Correctly enrolled. Speaker signed	674
Mar.	3	Presented to Governor	691
Mar.	10	Approved by Governor	790

LEGISLATIVE BILL 444 By Education Committee

Jan.	24	Read first time	271
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	322

LEGISLATIVE BILL 445 By Education Committee

Jan.	24	Read first time	271
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	321
Mar.	17	Placed on General File	909
Mar.	25	Laid over. Lamb amendment printed	1083
Apr.	19	Koch amendment printed	1498
Apr.	25	Attorney General Opinion	1598

LEGISLATIVE BILL 446 By Brennan

Jan.	24	Read first time	272
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	322
Feb.	25	Placed on General File	600

LEGISLATIVE BILL 447 By Clark

Jan.	24	Read first time	272
Jan.	26	Referred to Committee on Public Works	287
Feb.	1	Notice of hearing	327
Apr.	6	Placed on General File	1313

LEGISLATIVE BILL 448 By Nichol

Jan.	24	Read first time	272
Jan.	26	Referred to Committee on Government, Military and Veterans Affairs	287
Feb.	2	Notice of hearing	341
Mar.	25	Placed on General File	1080

LEGISLATIVE BILL 449 By Bereuter and Fowler

Jan.	24	Read first time	272
Jan.	26	Referred to Committee on Appropriations	287
Mar.	2	Bereuter and Fowler amendments printed	681
Mar.	11	Notice of hearing	807

LEGISLATIVE BILL 450 By Bereuter

Jan.	24	Read first time	272
Jan.	26	Referred to Committee on Public Works	287
Feb.	9	Notice of hearing	414
Feb.	18	Notice of hearing cancelled, reset	536
Apr.	6	Placed on General File	1314
Apr.	22	Referred for review	1589
Apr.	26	Placed on Select File	1627
Apr.	27	Referred for engrossment	1663
Apr.	29	Replaced on Select File	1717
May	2	Referred for engrossment	1767
May	4	Correctly engrossed	1813
May	9	Final Reading	1893
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 450A By Bereuter

Apr.	18	Read first time. Placed on General File. Bereuter amendment printed	1470
Apr.	22	Bereuter pending amendment adopted. Referred for review	1591

Apr.	26	Placed on Select File	1627
Apr.	27	Referred for engrossment	1663
May	4	Correctly engrossed	1813
May	9	Final Reading	1894
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 451 By Judiciary Committee

Jan.	24	Read first time	272
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	358
Mar.	28	Indefinitely postponed	1121

LEGISLATIVE BILL 452 By Judiciary Committee

Jan.	24	Read first time	273
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	358
Mar.	14	Indefinitely postponed	829

LEGISLATIVE BILL 453 By Judiciary Committee

Jan.	24	Read first time	273
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	358
Mar.	14	Indefinitely postponed	829

LEGISLATIVE BILL 454 By Judiciary Committee

Jan.	24	Read first time	273
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	358
Mar.	14	Placed on General File	829
Mar.	24	Referred for review	1043
Mar.	28	Placed on Select File	1091
Mar.	29	Referred for engrossment	1136
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1241
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 455 By Judiciary Committee

Jan.	24	Read first time	273
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	358

LEGISLATIVE BILL 456 By Judiciary Committee

Jan.	24	Read first time	274
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	359
Mar.	14	Placed on General File	829
Mar.	24	Referred for review	1044
Mar.	28	Placed on Select File	1091
Mar.	29	Referred for engrossment	1136
Mar.	31	Correctly engrossed	1190
Apr.	5	Final Reading	1260
Apr.	6	Correctly enrolled	1293
Apr.	6	Speaker signed	1298
Apr.	12	Presented to Governor	1322
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 457 By Barnett

Jan.	24	Read first time	274
Jan.	26	Referred to Committee on Education	287
Jan.	31	Notice of hearing	322
Feb.	7	Notice of hearing cancelled, reset	381
Mar.	23	Barnett amendments printed	1019
Mar.	24	Placed on General File	1033
Apr.	13	Koch amendments printed	1389

LEGISLATIVE BILL 458 By Kremer

Jan.	24	Read first time	274
Jan.	26	Referred to Committee on Government, Military and Veterans Affairs	287
Jan.	27	Notice of hearing	306
Feb.	22	Indefinitely postponed	555

LEGISLATIVE BILL 459 By Special Education Interim Study Committee

Jan.	24	Read first time	274
Jan.	26	Referred to Committee on Education	287
Jan.	27	Dworak, Stoney, Savage, Marvel, F. Lewis and Murphy names added	307
Jan.	31	Notice of hearing	322

Feb.	7	Notice of hearing cancelled, reset	381
Mar.	8	Placed on General File	748
Mar.	17	Referred for review	911
Mar.	21	Placed on Select File	935
Mar.	22	Referred for engrossment	988
Mar.	23	Replaced on Select File	1014
Mar.	23	Referred for engrossment	1042
Mar.	25	Correctly engrossed	1080
Mar.	31	Final Reading	1194
Apr.	1	Correctly enrolled. President signed	1217
Apr.	4	Presented to Governor	1231
Apr.	12	Returned by Governor without approval	1322
Apr.	14	Warner motion to override veto pending	1403
Apr.	19	Passed over Governor's veto	1493
Apr.	19	Communication. Certificate	1497
Apr.	19	Letter	1504

LEGISLATIVE BILL 459A By Warner

Mar.	17	Read first time. Placed on General File	909
Mar.	17	Referred for review	911
Mar.	21	Placed on Select File	935
Mar.	22	Warner amendment adopted. Referred for engrossment	988
Mar.	25	Correctly engrossed	1080
Mar.	31	Final Reading	1195
Apr.	1	Correctly enrolled. President signed	1217
Apr.	4	Presented to Governor	1231
Apr.	12	Returned by Governor without approval	1322
Apr.	14	Warner motion to override veto pending	1403
Apr.	19	Passed over Governor's veto	1493
Apr.	19	Communication. Certificate	1498
Apr.	19	Letter	1505

LEGISLATIVE BILL 460 By Warner

Jan.	24	Read first time	274
Jan.	26	Referred to Committee on Agriculture and Environment	287
Jan.	31	Notice of hearing	320
Mar.	28	Attorney General Opinion	1093
Apr.	19	Placed on General File	1514

LEGISLATIVE BILL 461 By George

Jan. 24	Read first time	275
Jan. 26	Referred to Committee on Revenue	287
Feb. 1	Notice of hearing	328
Feb. 11	Indefinitely postponed	440

LEGISLATIVE BILL 462 By Administrative Agency Rules and Regulations Committee

Jan. 24	Read first time	275
Jan. 26	Referred to Committee on Miscellaneous Subjects	287
Jan. 27	Notice of hearing	313
Mar. 8	Placed on General File	754
Mar. 17	Duis amendment adopted. Referred for review	912
Mar. 21	Placed on Select File	935
Mar. 22	Referred for engrossment	989
Mar. 24	Correctly engrossed	1039
Mar. 30	Final Reading	1167
Mar. 31	Correctly enrolled. President signed	1190
Apr. 1	Presented to Governor	1217
Apr. 5	Approved by Governor	1271

LEGISLATIVE BILL 463 By Rasmussen

Jan. 24	Read first time	275
Jan. 26	Referred to Committee on Public Works	287
Feb. 1	Notice of hearing	327
Feb. 28	Indefinitely postponed	635

LEGISLATIVE BILL 464 By Banking, Commerce and Insurance Committee

Jan. 24	Read first time	275
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	287
Jan. 31	Notice of hearing	321

LEGISLATIVE BILL 465 By Banking, Commerce and Insurance Committee

Jan. 24	Read first time	275
Jan. 26	Referred to Committee on Banking, Commerce and Insurance	287
Jan. 31	Notice of hearing	321
Mar. 25	Placed on General File	1065

LEGISLATIVE BILL 466 By Banking, Commerce and Insurance Committee

Jan.	24	Read first time	276
Jan.	26	Referred to Committee on Nebraska Retirement Systems	287
Feb.	7	Notice of hearing	383
Mar.	18	Attorney General Opinion	927
Mar.	21	Indefinitely postponed	963

LEGISLATIVE BILL 467 By Nebraska Retirement Systems Committee

Jan.	24	Read first time	276
Jan.	26	Referred to Committee on Nebraska Retirement Systems	287
Feb.	7	Notice of hearing	383
Mar.	21	Placed on General File	963
Mar.	25	Referred for review	1085
Mar.	29	Placed on Select File	1125
Mar.	30	Referred for engrossment	1183
Apr.	1	Correctly engrossed	1217
Apr.	6	Final Reading	1296
Apr.	12	Correctly enrolled	1325
Apr.	12	Speaker signed	1356
Apr.	12	Presented to Governor	1360
Apr.	18	Approved by Governor	1457

LEGISLATIVE BILL 468 By Schmit

Jan.	24	Read first time	277
Jan.	26	Referred to Committee on Judiciary	287
Feb.	3	Notice of hearing	358
Mar.	3	Indefinitely postponed	701

LEGISLATIVE BILL 469 By Constitutional Revision and Recreation Committee

Jan.	24	Read first time	277
Jan.	26	Referred to Committee on Constitutional Revision and Recreation	287
Feb.	3	Notice of hearing	358
Mar.	10	Placed on General File	789
Mar.	17	Laid over	912

LEGISLATIVE BILL 470 By Nichol

Jan. 24	Read first time	278
Jan. 26	Referred to Committee on Education	287
Jan. 31	Notice of hearing	322
Feb. 18	Nichol motion to withdraw and cancel hearing pending	539
Feb. 22	Withdrawn	553

LEGISLATIVE BILL 471 By Public Health and Welfare Committee

Jan. 24	Read first time	278
Jan. 26	Referred to Committee on Public Health and Welfare	287
Feb. 10	Notice of hearing	417
Mar. 14	Indefinitely postponed	834

LEGISLATIVE BILL 472 By Agriculture and Environment Committee

Jan. 25	Read first time	283
Jan. 26	Referred to Committee on Public Works	287
Feb. 1	Notice of hearing	327
Feb. 23	Placed on General File	564
Mar. 9	Committee amendment lost	780
Mar. 10	Laid over	797
Mar. 15	Mills amendment printed	855
Apr. 13	Mills pending amendment adopted. Referred for review	1390
Apr. 15	Placed on Select File	1419
Apr. 18	Referred for engrossment	1477
Apr. 20	Correctly engrossed	1523
Apr. 25	Final Reading	1608
Apr. 25	Mills explanation of vote. Correctly enrolled. Speaker signed	1620
Apr. 25	Presented to Governor	1624
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 473 By Marsh at request of Governor

Jan. 27	Read first time	299
Jan. 27	Referred to Committee on Miscellaneous Subjects	313
Feb. 7	Notice of hearing	381
Mar. 7	Placed on General File	725
Mar. 17	Referred for review	909
Mar. 21	Placed on Select File	934
Mar. 22	Murphy amendment lost. Referred for engrossment	995

Mar.	24	Correctly engrossed	1039
Mar.	30	Final Reading	1167
Mar.	31	Correctly enrolled. President signed	1190
Apr.	1	Presented to Governor	1217
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 474 By Public Health and Welfare Committee

Jan.	27	Read first time	299
Jan.	27	Referred to Committee on Public Health and Welfare	313
Feb.	10	Notice of hearing	417
Mar.	4	Placed on General File	707
Mar.	17	Referred for review	905
Mar.	21	Placed on Select File	933
Mar.	22	Referred for engrossment	987
Mar.	23	Correctly engrossed	1008
Mar.	29	Final Reading	1132
Mar.	30	Correctly enrolled. Speaker signed	1156
Mar.	31	Presented to Governor	1190
Apr.	5	Approved by Governor	1271

LEGISLATIVE BILL 475 By Appropriations Committee

Feb.	1	Read first time	336
Feb.	3	Referred to Committee on Appropriations	359
Feb.	3	Notice of hearing	366
Feb.	15	Placed on General File	481
Feb.	18	Referred for review	537
Feb.	22	Placed on Select File	546
Feb.	23	Referred for engrossment	567
Feb.	25	Correctly engrossed	619
Mar.	2	Final Reading	677
Mar.	2	Stoney explanation of vote	678
Mar.	2	Mills explanation of vote	680
Mar.	3	Correctly enrolled. President signed	691
Mar.	4	Presented to Governor	706
Mar.	8	Approved by Governor	755

LEGISLATIVE BILL 476 By Urban Affairs Committee

Feb.	3	Read first time	365
Feb.	7	Referred to Committee on Urban Affairs	375
Feb.	23	Notice of hearing	564
Apr.	1	Placed on General File	1229

LEGISLATIVE BILL 477 By Appropriations Committee

Feb. 3	Read first time	365
Feb. 3	Notice of hearing	366
Feb. 7	Referred to Committee on Appropriations	375
Feb. 15	Placed on General File	481
Feb. 18	Warner amendment adopted. Referred for review	537
Feb. 22	Placed on Select File	546
Feb. 23	Referred for engrossment	567
Feb. 24	Correctly engrossed	586
Feb. 28	Final Reading. Expedited	634
Feb. 28	Correctly enrolled. Speaker signed	637
Feb. 28	Presented to Governor	639
Mar. 2	Approved by Governor	668

LEGISLATIVE BILL 478 By Banking, Commerce and Insurance Committee

Feb. 3	Read first time	365
Feb. 7	Referred to Committee on Banking, Commerce and Insurance	375
Feb. 17	Notice of hearing	513
Mar. 25	Placed on General File	1054
Mar. 31	Referred for review	1208
Apr. 4	Placed on Select File	1232
Apr. 5	Referred for engrossment	1265
Apr. 12	Correctly engrossed	1325
Apr. 15	Final Reading	1429
Apr. 18	Correctly enrolled. President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 19	Presented to Governor	1479
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 479 By Warner at request of Governor

Feb. 7	Read first time	376
Feb. 10	Referred to Committee on Appropriations	431
Feb. 15	Notice of hearing	481
Feb. 25	Placed on General File	600
Feb. 28	Referred for review. Expedited	636
Feb. 28	Placed on Select File	638
Mar. 2	Referred for engrossment	681
Mar. 3	Correctly engrossed	691
Mar. 8	Final Reading	739
Mar. 9	Correctly enrolled. President signed	766
Mar. 10	Presented to Governor	785
Mar. 14	Approved by Governor	815

LEGISLATIVE BILL 480 By Public Health and Welfare Committee

Feb. 8	Read first time	391
Feb. 10	Referred to Committee on Public Health and Welfare	416
Feb. 10	Notice of hearing	417
Mar. 8	Placed on General File	747
Mar. 17	Referred for review	910
Mar. 21	Placed on Select File	935
Mar. 22	Referred for engrossment	988
Mar. 23	Correctly engrossed	1008
Mar. 28	Attorney General Opinion	1110
Mar. 29	Final Reading	1132
Mar. 30	Correctly enrolled. Speaker signed	1156
Mar. 31	Presented to Governor	1190
Apr. 5	Approved by Governor	1271

LEGISLATIVE BILL 481 By Public Health and Welfare Committee

Feb. 8	Read first time	391
Feb. 10	Referred to Committee on Public Health and Welfare	416
Feb. 10	Notice of hearing	417
Mar. 8	Placed on General File	747
Mar. 17	Referred for review	911
Mar. 21	Placed on Select File	935
Mar. 21	Simon amendment printed	936
Mar. 22	Simon amendment as modified adopted. Moylan amendment adopted. Newell amendment lost. Referred for engrossment	1002
Mar. 23	Replaced on Select File	1015
Mar. 24	Referred for engrossment	1042
Mar. 25	Correctly engrossed	1080
Mar. 31	Final Reading	1196
Mar. 31	Murphy explanation of vote	1197
Apr. 1	Correctly enrolled. President signed	1217
Apr. 4	Presented to Governor	1231
Apr. 12	Approved by Governor	1333

LEGISLATIVE BILL 482 By Constitutional Revision and Recreation Committee

Feb. 8	Read first time	391
Feb. 10	Referred to Committee on Constitutional Revision and Recreation	416
Feb. 16	Notice of hearing	495
Mar. 10	Placed on General File	789

Mar.	23	Referred for review	1027
Mar.	25	Placed on Select File	1052
Mar.	28	Referred for engrossment	1099
Mar.	30	Correctly engrossed	1156
Apr.	4	Final Reading	1242
Apr.	5	Correctly enrolled. Speaker signed	1258
Apr.	6	Presented to Governor	1292
Apr.	12	Approved by Governor	1333

LEGISLATIVE BILL 483 By Urban Affairs Committee

Feb.	8	Read first time	392
Feb.	10	Referred to Committee on Urban Affairs	416
Feb.	23	Notice of hearing	564
Mar.	15	Placed on General File	856
Mar.	24	Bracketed	1048
Apr.	5	Duis and George amendments adopted. Duis amendment lost. Nichol amendment adopted. Bereuter motion to bracket lost. Failed to advance for review	1285
Apr.	6	George amendment adopted. Referred for review	1315
Apr.	12	Placed on Select File	1324
Apr.	13	Laid over	1384
Apr.	18	Bracketed	1476
Apr.	19	George amendments printed	1518
Apr.	21	George pending amendment and Duis amendment adopted. Bereuter amendment adopted. Referred for engrossment	1562
Apr.	26	Returned to Select File for Duis amendment. Duis amendment lost. Referred for engrossment	1638
Apr.	27	Replaced on Select File	1659
Apr.	28	Referred for engrossment	1692
Apr.	28	Returned to Select File for Duis amendment	1704
Apr.	28	Duis amendment adopted. Referred for engrossment	1705
May	2	Replaced on Select File	1738
May	3	Referred for engrossment	1775
May	4	Correctly engrossed	1813
May	9	Final Reading	1895
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 484 By Agriculture and Environment Committee

Feb.	8	Read first time 392
Feb.	10	Referred to Committee on Agriculture and Environment 416
Feb.	17	Notice of hearing 519
Mar.	22	Placed on General File 978
Mar.	25	Referred for review 1086
Mar.	29	Placed on Select File 1125
Mar.	30	Referred for engrossment 1183
Apr.	1	Correctly engrossed 1217
Apr.	6	Final Reading 1297
Apr.	6	Venditte explanation of vote 1298
Apr.	12	Correctly enrolled 1325
Apr.	12	Speaker signed 1356
Apr.	12	Presented to Governor 1360
Apr.	18	Approved by Governor 1457

LEGISLATIVE BILL 485 By Government, Military and Veterans Affairs Committee

Feb.	8	Read first time 392
Feb.	10	Referred to Committee on Government, Military and Veterans Affairs 416
Feb.	11	Notice of hearing 454
Apr.	5	Placed on General File 1267
Apr.	12	Attorney General Opinion 1352
Apr.	15	Rasmussen amendment adopted. Referred for review 1453
Apr.	19	Placed on Select File 1481
Apr.	20	Referred for engrossment 1540
Apr.	22	Replaced on Select File 1574
Apr.	25	Referred for engrossment 1619
Apr.	26	Correctly engrossed 1628
Apr.	29	Final Reading 1721
May	2	Correctly enrolled. President signed 1740
May	2	Presented to Governor 1749
May	9	Approved by Governor 1909

LEGISLATIVE BILL 486 By Education Committee

Feb.	8	Read first time 398
Feb.	10	Referred to Committee on Education 416
Feb.	11	Notice of hearing 454
Mar.	18	Placed on General File 929
Mar.	25	Referred for review 1084
Mar.	29	Placed on Select File 1124
Mar.	29	Koch amendments printed 1143

Mar. 30	Bracketed	1184
Apr. 14	Koch amendment printed	1416
Apr. 18	Koch pending amendment withdrawn. Koch pending amendment adopted. Referred for engrossment	1477
Apr. 19	Returned to Select File for Koch amendment. Laid over	1495
Apr. 21	Koch pending amendment adopted. Referred for engrossment	1562
Apr. 25	Replaced on Select File	1601
Apr. 26	Referred for engrossment	1633
Apr. 28	Correctly engrossed	1685
May 3	Final Reading	1772
May 3	Correctly enrolled. President signed	1781
May 3	Presented to Governor	1786
May 9	Approved by Governor	1909

LEGISLATIVE BILL 486A By Warner

Mar. 28	Read first time. Placed on General File	1097
Apr. 6	Referred for review	1307
Apr. 12	Placed on Select File	1324
Apr. 13	Referred for engrossment	1384
Apr. 28	Correctly engrossed	1685
May 3	Final Reading	1773
May 3	Correctly enrolled. President signed	1781
May 3	Presented to Governor	1786
May 9	Approved by Governor	1909

LEGISLATIVE BILL 487 By Education Committee

Feb. 8	Read first time	398
Feb. 10	Referred to Committee on Education	416
Feb. 11	Notice of hearing	454
Feb. 25	Placed on General File	600
Mar. 10	Referred for review	798
Mar. 14	Placed on Select File	816
Mar. 15	Referred for engrossment	852
Mar. 16	Correctly engrossed	880
Mar. 21	Final Reading	947
Mar. 22	Correctly enrolled. President signed	977
Mar. 23	Presented to Governor	1007
Mar. 24	Carsten explanation of vote	1047
Mar. 28	Approved by Governor	1090

LEGISLATIVE BILL 488 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	442
Feb. 11	Referred to Committee on Education	450
Feb. 15	Notice of hearing	481
Mar. 21	Indefinitely postponed	962

LEGISLATIVE BILL 489 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	442
Feb. 11	Referred to Committee on Appropriations	450

LEGISLATIVE BILL 490 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	442
Feb. 11	Referred to Committee on Appropriations	450

LEGISLATIVE BILL 491 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	442
Feb. 11	Referred to Committee on Appropriations	450
Feb. 15	Notice of hearing	481
Feb. 25	Placed on General File	600
Feb. 28	Referred for review. Expedited	636
Feb. 28	Placed on Select File	638
Mar. 2	Referred for engrossment	681
Mar. 3	Correctly engrossed	691
Mar. 8	Final Reading	739
Mar. 9	Correctly enrolled. President signed	766
Mar. 10	Presented to Governor	785
Mar. 14	Approved by Governor	815

LEGISLATIVE BILL 492 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	442
Feb. 11	Referred to Committee on Appropriations	450
Feb. 15	Notice of hearing	481
Feb. 25	Placed on General File	600
Feb. 28	Referred for review. Expedited	636
Feb. 28	Placed on Select File	638
Mar. 2	Referred for engrossment	681
Mar. 3	Correctly engrossed	691
Mar. 8	Final Reading	740
Mar. 9	Correctly enrolled. President signed	766
Mar. 10	Presented to Governor	785
Mar. 14	Approved by Governor	815

LEGISLATIVE BILL 493 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	443
Feb. 11	Referred to Committee on Appropriations	450

LEGISLATIVE BILL 494 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	443
Feb. 11	Referred to Committee on Public Health and Welfare	450
Feb. 17	Notice of hearing	513
Mar. 15	Placed on General File	855
Mar. 24	Warner amendments adopted. Referred for review	1046
Mar. 28	Placed on Select File	1092
Mar. 29	Warner amendment adopted. F. Lewis motion to indefinitely postpone pending	1137
Mar. 30	F. Lewis pending motion withdrawn. Referred for engrossment	1184
Apr. 1	Replaced on Select File	1214
Apr. 4	Referred for engrossment	1254
Apr. 6	Correctly engrossed	1293
Apr. 14	Final Reading	1396
Apr. 15	Correctly enrolled	1419
Apr. 18	President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 18	Presented to Governor	1466
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 494A By Warner

Mar. 24	Read first time. Placed on General File	1047
Mar. 25	Referred for review	1086
Mar. 29	Placed on Select File	1125
Mar. 30	Warner amendment adopted. Referred for engrossment	1184
Apr. 6	Correctly engrossed	1293
Apr. 14	Final Reading	1397
Apr. 15	Correctly enrolled	1419
Apr. 18	President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 18	Presented to Governor	1466
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 495 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	443
Feb. 11	Referred to Committee on Appropriations	450
Feb. 18	Notice of hearing	528
May 4	Message from the Governor	1797

LEGISLATIVE BILL 496 By Speaker Luedtke at request of Governor

Feb. 11	Read first time	443
Feb. 11	Referred to Committee on Public Health and Welfare	450
Feb. 17	Notice of hearing	513

LEGISLATIVE BILL 497 By Urban Affairs Committee

Feb. 11	Read first time	444
Feb. 18	Referred to Committee on Judiciary	528
Feb. 22	Notice of hearing	557
Mar. 16	Placed on General File	875
Mar. 25	Laid over	1081
Mar. 31	Referred for review	1204
Apr. 4	Placed on Select File	1231
Apr. 5	Referred for engrossment	1264
Apr. 12	Correctly engrossed	1325
Apr. 15	Final Reading	1429
Apr. 18	Correctly enrolled. President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 19	Presented to Governor	1479
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 498 By Government, Military and Veterans Affairs Committee

Feb. 11	Read first time	450
Feb. 11	Notice of hearing	454
Feb. 18	Referred to Committee on Government, Military and Veterans Affairs	528
Mar. 22	Placed on General File	1002
Mar. 31	Referred for review	1208
Mar. 31	Expedited	1210
Apr. 1	Placed on Select File	1220
Apr. 1	Referred for engrossment	1226
Apr. 4	Correctly engrossed	1248
Apr. 12	Final Reading	1330
Apr. 12	Correctly enrolled. Speaker signed	1356
Apr. 12	Presented to Governor	1360
Apr. 18	Approved by Governor	1457

LEGISLATIVE BILL 499 By Public Works Committee

Feb. 11	Read first time	450
Feb. 18	Referred to Committee on Public Works	528
Feb. 18	Notice of hearing	536
Mar. 8	Placed on General File	738
Mar. 24	Referred for review	1043
Mar. 28	Placed on Select File	1091
Mar. 29	Referred for engrossment	1136
Mar. 30	Correctly engrossed	1156
Apr. 4	Final Reading	1243
Apr. 5	Correctly enrolled. Speaker signed	1258
Apr. 6	Presented to Governor	1292
Apr. 12	Approved by Governor	1333

LEGISLATIVE BILL 500 By Banking, Commerce and Insurance Committee

Feb. 14	Read first time	460
Feb. 17	Notice of hearing	513
Feb. 18	Referred to Committee on Banking, Commerce and Insurance	528
Mar. 25	Placed on General File	1054
Mar. 31	Referred for review	1208
Apr. 4	Placed on Select File	1232
Apr. 5	Referred for engrossment	1265
Apr. 12	Correctly engrossed	1325
Apr. 15	Final Reading	1430
Apr. 18	Correctly enrolled. President signed	1459
Apr. 18	Luedtke explanation of vote	1465
Apr. 19	Presented to Governor	1479
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 501 By Public Health and Welfare Committee

Feb. 17	Read first time	513
Feb. 18	Referred to Committee on Public Health and Welfare	528
Feb. 18	Notice of hearing	536
Mar. 14	Placed on General File	834
May 13	Attorney General Opinion	2018

LEGISLATIVE BILL 502 By Revenue Committee

Feb. 22	Read first time	554
Feb. 23	Notice of hearing	575
Feb. 24	Referred to Committee on Banking, Commerce and Insurance	586

Feb. 24	Notice of hearing cancelled	595
Mar. 3	Notice of hearing reset	692
Mar. 17	Placed on General File	897

LEGISLATIVE BILL 502A By Revenue Committee

Mar. 28	Read first time. Placed on General File	1095

LEGISLATIVE BILL 503 By Agriculture and Environment Committee

Feb. 22	Read first time	554
Feb. 24	Referred to Committee on Agriculture and Environment	586
Mar. 1	Notice of hearing	652
Mar. 22	Placed on General File	978
Mar. 25	Referred for review	1086
Mar. 29	Placed on Select File	1125
Mar. 30	Referred for engrossment	1183
Apr. 1	Correctly engrossed	1217
Apr. 19	Final Reading	1486
Apr. 20	Correctly enrolled	1523
Apr. 20	President signed	1524
Apr. 21	Presented to Governor	1551
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 503A By Warner

Mar. 31	Read first time. Placed on General File	1209
Apr. 6	Referred for review	1306
Apr. 12	Placed on Select File	1324
Apr. 13	Referred for engrossment	1384
Apr. 14	Correctly engrossed	1413
Apr. 19	Final Reading	1487
Apr. 20	Correctly enrolled	1523
Apr. 20	President signed	1524
Apr. 21	Presented to Governor	1551
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 504 By Business and Labor Committee

Feb. 23	Read first time	577
Feb. 23	Notice of hearing	578
Feb. 24	Referred to Committee on Business & Labor	586
Mar. 9	Placed on General File	778
Mar. 17	Bracketed	912
Apr. 6	Bracketed	1318
Apr. 25	Maresh amendments printed	1617

Apr.	29	Maresh pending amendments adopted. Warner amendment adopted. Referred for review	1725
May	2	Placed on Select File	1751
May	3	Referred for engrossment	1777
May	4	Correctly engrossed	1813
May	9	Final Reading	1896
May	9	Correctly enrolled. Speaker signed	1905
May	9	Presented to Governor	1914
May	12	Approved by Governor	2007

LEGISLATIVE BILL 505 By Business and Labor Committee

Feb.	23	Read first time	577
Feb.	23	Notice of hearing	578
Feb.	24	Referred to Committee on Business & Labor	586
Mar.	9	Indefinitely postponed	779

LEGISLATIVE BILL 506 By Banking, Commerce and Insurance Committee

Feb.	24	Read first time	582
Feb.	28	Referred to Committee on Banking, Commerce and Insurance	638
Mar.	3	Notice of hearing	692
Mar.	17	Placed on General File	897
Mar.	25	Laid over	1083
Mar.	31	Referred for review	1204
Apr.	4	Placed on Select File	1231
Apr.	5	Referred for engrossment	1264
Apr.	12	Correctly engrossed	1325
Apr.	15	Final Reading	1431
Apr.	18	Correctly enrolled. President signed	1459
Apr.	18	Luedtke explanation of vote	1465
Apr.	19	Presented to Governor	1479
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 507 By Government, Military and Veterans Affairs Committee

Feb.	25	Read first time	621
Feb.	25	Brennan name added	622
Feb.	28	Referred to Committee on Business & Labor	638
Mar.	1	Notice of hearing	652
Mar.	21	Indefinitely postponed	936

LEGISLATIVE BILL 508 By Education Committee

Mar.	1	Read first time	663
Mar.	3	Referred to Committee on Education	698
Mar.	7	Notice of hearing	731
Mar.	17	Placed on General File	909

LEGISLATIVE BILL 509 By Business and Labor Committee

Mar.	2	Read first time	684
Mar.	3	Referred to Committee on Business & Labor	698
Mar.	4	Notice of hearing	715
Mar.	29	Placed on General File	1145
Apr.	15	Laid over	1451
May	4	F. Lewis amendment printed	1810
May	10	Change of order	1943
May	13	Maresh amendment adopted. F. Lewis pending amendment adopted. Referred for review	2024
May	16	Placed on Select File	2065
May	18	Referred for engrossment	2120
May	18	Returned to Select File for Nichol amendment	2131
May	18	Nichol amendment adopted. Referred for engrossment	2132
May	23	Replaced on Select File	2143
May	23	Referred for engrossment	2151
May	23	Correctly engrossed	2152
May	25	Final Reading	2207
May	25	Correctly enrolled	2221
May	25	President signed	2222
May	25	Presented to Governor	2228
June	1	Approved by Governor	2264

LEGISLATIVE BILL 510 By Public Works Committee

Mar.	3	Read first time	701
Mar.	7	Notice of hearing	731
Mar.	8	Referred to Committee on Public Works	735
Mar.	14	Placed on General File	832
Mar.	24	Referred for review	1044
Mar.	28	Placed on Select File	1091
Mar.	29	Murphy amendment pending. Bracketed	1137
Apr.	1	Bracketed	1226
Apr.	13	Laid over	1385
Apr.	14	Kremer amendment printed	1416
Apr.	18	Murphy pending amendment withdrawn. Kremer pending amendment adopted. Referred for engrossment	1476

Apr.	20	Replaced on Select File	1522
Apr.	21	Referred for engrossment	1558
Apr.	21	Keyes amendment printed	1568
Apr.	26	Keyes pending amendment withdrawn	1637
May	2	Correctly engrossed	1740
May	5	Final Reading	1831
May	5	Correctly enrolled. President signed	1866
May	5	Presented to Governor	1869
May	10	Approved by Governor	1959

LEGISLATIVE BILL 511 By Appropriations Committee

Mar.	4	Read first time	717
Mar.	8	Referred to Committee on Appropriations	735
Mar.	11	Notice of hearing	807
Mar.	29	Placed on General File	1125
Mar.	30	Referred for review	1171
Mar.	31	Placed on Select File	1191
Apr.	1	Referred for engrossment	1222
Apr.	4	Correctly engrossed	1248
Apr.	12	Final Reading	1330
Apr.	13	Correctly enrolled	1373
Apr.	18	President signed	1459
Apr.	18	Presented to Governor	1466
Apr.	25	Approved by Governor	1624

LEGISLATIVE BILL 512 By Appropriations Committee

Mar.	4	Read first time	717
Mar.	8	Referred to Committee on Appropriations	735
Mar.	11	Notice of hearing	807
Mar.	29	Placed on General File	1126
Mar.	30	Referred for review	1171
Mar.	31	Placed on Select File	1191
Apr.	1	Referred for engrossment	1222
Apr.	4	Bracketed	1234
Apr.	14	Correctly engrossed	1413
Apr.	19	Final Reading	1489
Apr.	20	Correctly enrolled	1523
Apr.	20	President signed	1524
Apr.	21	Presented to Governor	1551
Apr.	29	Approved by Governor	1717

LEGISLATIVE BILL 512A By Warner

Mar. 31	Read first time. Placed on General File	1209
Apr. 6	Referred for review	1307
Apr. 12	Placed on Select File	1324
Apr. 13	Referred for engrossment	1384
Apr. 14	Correctly engrossed	1413
Apr. 19	Final Reading	1489
Apr. 20	Correctly enrolled	1523
Apr. 20	President signed	1524
Apr. 21	Presented to Governor	1551
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 513 By Appropriations Committee

Mar. 4	Read first time	717
Mar. 8	Referred to Committee on Appropriations	735
Mar. 11	Notice of hearing	807
Mar. 29	Placed on General File	1126
Mar. 30	Referred for review	1171
Mar. 31	Placed on Select File	1192
Apr. 1	Referred for engrossment	1222
Apr. 4	Correctly engrossed	1248
Apr. 12	Final Reading	1331
Apr. 13	Correctly enrolled	1373
Apr. 18	President signed	1459
Apr. 18	Presented to Governor	1466
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 514 By Appropriations Committee

Mar. 4	Read first time	718
Mar. 8	Referred to Committee on Appropriations	735
Mar. 11	Notice of hearing	807
Mar. 29	Placed on General File	1126
Mar. 30	Referred for review	1171
Mar. 31	Placed on Select File	1192
Apr. 1	Referred for engrossment	1222
Apr. 4	Correctly engrossed	1248
Apr. 12	Final Reading	1332
Apr. 13	Correctly enrolled	1373
Apr. 18	President signed	1459
Apr. 18	Presented to Governor	1466
Apr. 25	Approved by Governor	1624

LEGISLATIVE BILL 515 By Appropriations Committee

Mar. 4	Read first time	718
Mar. 8	Referred to Committee on Appropriations	735
Mar. 11	Notice of hearing	807
Mar. 29	Placed on General File	1127
Mar. 30	Referred for review	1171
Mar. 31	Placed on Select File	1192
Apr. 1	Referred for engrossment	1222
Apr. 4	Bracketed	1234
Apr. 14	Correctly engrossed	1413
Apr. 19	Final Reading	1490
Apr. 20	Correctly enrolled	1523
Apr. 20	President signed	1524
Apr. 21	Presented to Governor	1551
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 515A By Warner

Mar. 31	Read first time. Placed on General File	1209
Apr. 6	Referred for review	1307
Apr. 12	Placed on Select File	1324
Apr. 13	Referred for engrossment	1384
Apr. 14	Correctly engrossed	1413
Apr. 19	Final Reading	1491
Apr. 20	Correctly enrolled	1523
Apr. 20	President signed	1524
Apr. 21	Presented to Governor	1551
Apr. 29	Approved by Governor	1717

LEGISLATIVE BILL 516 By Judiciary Committee

Mar. 4	Read first time	718
Mar. 8	Referred to Committee on Judiciary	735
Mar. 8	Notice of hearing	744
Mar. 28	Placed on General File	1121
Apr. 15	Referred for review	1441
Apr. 19	Placed on Select File	1480
Apr. 20	Referred for engrossment	1540
Apr. 22	Replaced on Select File	1574
Apr. 22	Marsh amendments printed	1586
Apr. 25	Referred for engrossment. Bracketed	1619
Apr. 26	Returned to Select File for Marsh amendment. Marsh amendment adopted. Referred for engrossment	1637
Apr. 28	Correctly engrossed	1685

May 3 Final Reading 1774
May 3 Correctly enrolled. President signed 1781
May 3 Presented to Governor 1786
May 9 Approved by Governor 1909

LEGISLATIVE BILL 517 By Banking, Commerce and Insurance Committee

Mar. 7 Read first time 726
Mar. 8 Referred to Committee on Banking, Commerce and Insurance 735
Mar. 9 Notice of hearing 780
Apr. 5 Placed on General File 1281
Apr. 22 Referred for review 1588
Apr. 26 Placed on Select File 1627
Apr. 27 Referred for engrossment 1663
Apr. 29 Correctly engrossed 1718
May 4 Final Reading 1803
May 4 Koch explanation of vote 1811
May 4 Correctly enrolled. Speaker signed 1813
May 4 Presented to Governor 1820
May 9 Approved by Governor 1909

LEGISLATIVE BILL 517A By Banking, Commerce and Insurance Committee

Apr. 13 Read first time. Placed on General File 1393
Apr. 22 Referred for review 1588
Apr. 26 Placed on Select File 1627
Apr. 27 Referred for engrossment 1663
Apr. 29 Correctly engrossed 1718
May 4 Final Reading 1804
May 4 Koch explanation of vote 1811
May 4 Correctly enrolled. Speaker signed 1813
May 4 Presented to Governor 1820
May 9 Approved by Governor 1909

LEGISLATIVE BILL 518 By Agriculture and Environment Committee and Messrs. Mills, Clark, Carsten, Kremer, Nichol & Cullan

Mar. 10 Read first time 793
Mar. 15 Referred to Committee on Revenue 863
Mar. 16 Notice of hearing 870
Mar. 18 Hefner name added 922
Apr. 13 Keyes amendments printed 1376
Apr. 13 Placed on General File 1385
Apr. 14 Bracketed 1398
Apr. 14 Newell motion to bracket lost 1400

Apr.	18	Kelly amendments printed	1463
Apr.	19	DeCamp amendments printed	1498
Apr.	19	Burrows amendment printed	1499
Apr.	19	Burrows amendment printed	1517
Apr.	20	Schmit amendment adopted. Keyes pending amendment renewed, part lost, part withdrawn. Kelly and DeCamp pending amendments withdrawn. Burrows pending amendments lost	1530
Apr.	20	Newell amendments printed	1536
Apr.	20	Burrows amendment printed	1537
Apr.	20	Newell amendments printed	1538
Apr.	20	Newell amendment lost	1539
Apr.	21	Newell pending amendments lost. Newell amendment to Burrows amendment lost. Burrows amendment pending	1553
Apr.	22	F. Lewis, Keyes and Newell amendments printed	1577
Apr.	25	Attorney General Opinion	1599
Apr.	25	Newell amendment to Burrows amendment lost. Burrows pending amendment lost. F. Lewis amendment pending	1615
Apr.	25	Newell amendments printed	1616
Apr.	26	Newell and F. Lewis pending amendments withdrawn. Newell substitute amendment lost. Keyes amendment pending	1630
Apr.	26	Keyes pending amendment withdrawn. Referred for review	1632
Apr.	26	Newell amendment printed	1639
Apr.	27	Koch amendments printed	1662
Apr.	27	DeCamp amendments printed	1670
Apr.	28	Placed on Select File	1685
Apr.	28	Goodrich amendments printed	1699
Apr.	28	Newell amendments printed	1715
Apr.	29	Maxey amendments printed	1731
May	4	DeCamp amendments printed. Newell amendment lost. DeCamp amendment adopted. Maxey pending amendment adopted	1822
May	4	Koch and Goodrich pending amendments withdrawn. Schmit amendment adopted. Newell pending amendments renewed, part lost, part withdrawn	1824
May	4	Goodrich amendment printed	1826
May	5	Newell and Burrows amendments lost. Goodrich amendment as amended withdrawn. Referred for engrossment	1858

May	9	Replaced on Select File	1885
May	9	Referred for engrossment	1907
May	11	Correctly engrossed	1964
May	13	Schmit motion to return to Select File for amendment pending	2027
May	13	Attorney General Opinion	2042
May	16	Schmit pending motion withdrawn. Laid over	2059
May	16	Returned to Select File for Schmit amendment	2083
May	16	Schmit amendment adopted. Referred for re-engrossment	2084
May	18	Replaced on Select File	2119
May	18	Referred for engrossment	2120
May	18	Correctly re-engrossed	2124
May	24	Newell motion to return to Select File for amendment lost. Final Reading	2182
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Approved by Governor	2258

LEGISLATIVE BILL 519 By Kahle at request of Governor

Mar.	14	Read first time	817
Mar.	15	Referred to Committee on Appropriations	863
Mar.	16	Notice of hearing	868
Apr.	22	Placed on General File	1587

LEGISLATIVE BILL 520 By Appropriations Committee

Mar.	16	Read first time	871
Mar.	22	Referred to Committee on Appropriations	1002
Mar.	24	Notice of hearing	1034
Apr.	18	Placed on General File	1468
Apr.	22	George amendment lost. Goodrich amendment adopted. Referred for review	1594
Apr.	26	Placed on Select File	1628
Apr.	27	Referred for engrossment	1663
May	3	Replaced on Select File	1788
May	4	Referred for engrossment. Returned to Select File for Warner amendment	1805
May	4	Warner amendment adopted. Referred for engrossment	1806
May	4	Replaced on Select File	1812
May	5	Referred for engrossment	1860
May	9	Correctly engrossed	1907

May 12 Final Reading 2001
May 12 Correctly enrolled. Speaker signed 2005
May 12 Presented to Governor 2008
May 23 Approved by Governor 2142

LEGISLATIVE BILL 520A By Warner

Apr. 26 Read first time. Placed on General File 1632
Apr. 28 Referred for review 1706
May 2 Placed on Select File 1738
May 3 Bereuter amendment adopted.
Referred for engrossment 1775
May 4 Replaced on Select File 1813
May 5 Referred for engrossment 1861
May 9 Correctly engrossed 1907
May 12 Final Reading 2001
May 12 Correctly enrolled. Speaker signed 2005
May 12 Presented to Governor 2008
May 23 Approved by Governor 2142

LEGISLATIVE BILL 521 By Speaker Luedtke at request of Governor

Mar. 23 Read first time 1011
Mar. 24 Notice of hearing 1034
Mar. 24 Referred to Committee on Appropriations 1039
Apr. 4 Message from the Governor 1253
Apr. 15 Placed on General File 1419
Apr. 28 Referred for review 1711
May 2 Placed on Select File 1739
May 3 Referred for engrossment 1775
May 4 Correctly engrossed 1813
May 9 Final Reading 1896
May 9 Correctly enrolled. Speaker signed 1905
May 9 Presented to Governor 1914
May 12 Approved by Governor 2007

LEGISLATIVE BILL 522 By Speaker Luedtke at request of Governor

Mar. 23 Read first time 1011
Mar. 24 Notice of hearing 1034
Mar. 24 Referred to Committee on Appropriations 1039
Apr. 4 Message from Governor 1253
Apr. 15 Placed on General File 1439
Apr. 28 Warner amendments printed 1713
Apr. 29 Warner pending amendments adopted.
Referred for review 1724
May 2 Warner amendment printed 1743
May 2 Placed on Select File 1751

May	3	Warner pending amendment adopted. Bereuter amendment adopted. Luedtke amendment lost	1775
May	3	Referred for engrossment	1777
May	3	Replaced on Select File	1787
May	4	Referred for engrossment	1806
May	5	Replaced on Select File	1828
May	6	Referred for engrossment	1882
May	9	Correctly engrossed	1886
May	11	Final Reading	1965
May	11	Correctly enrolled. President signed	1968
May	11	Presented to Governor	1971
May	17	Approved by Governor. Line-item veto	2102
May	18	Message from Governor, correction	2129
May	18	Warner motion to override Governor's line-item veto pending	2136
May	24	Attorney General Opinion	2186
May	25	Passed over Governor's line-item veto	2247
June	1	Communication. Certificate	2254
June	1	Letter	2255

LEGISLATIVE BILL 523 By Miscellaneous Subjects Committee

Mar.	23	Read first time	1019
Mar.	24	Referred to Committee on Miscellaneous Subjects	1039
Apr.	4	Notice of hearing	1254
Apr.	29	Placed on General File	1724

LEGISLATIVE BILL 524 By Banking, Commerce and Insurance Committee

Mar.	25	Read first time	1075
Mar.	25	Notice of hearing	1080
Mar.	29	Referred to Committee on Banking, Commerce and Insurance	1149
Apr.	5	Placed on General File	1281
Apr.	22	Referred for review	1589
Apr.	26	Placed on Select File	1627
Apr.	27	Referred for engrossment	1663
Apr.	29	Correctly engrossed	1718
May	4	Bracketed	1805
May	4	Koch explanation of vote	1811
May	5	Attorney General Opinion	1835
May	11	Returned to Select File for DeCamp amendment	1964
May	11	DeCamp amendment adopted. Referred for re-engrossment	1965

May 12 Correctly re-engrossed 2005
May 17 Final Reading 2096
May 17 Correctly enrolled 2101
May 17 Speaker signed 2102
May 17 Presented to Governor 2104
May 23 Approved by Governor 2142

LEGISLATIVE BILL 525 By Revenue Committee

Mar. 31 Read first time 1192
Apr. 1 Referred to Committee on Business & Labor 1213
Apr. 1 Notice of hearing 1229
Apr. 27 Indefinitely postponed 1667

LEGISLATIVE BILL 526 By Appropriations Committee

Mar. 31 Read first time 1207
Apr. 1 Referred to Committee on Appropriations 1213
Apr. 4 Notice of hearing 1234
Apr. 15 Placed on General File 1455

LEGISLATIVE BILL 527 By Education Committee

Apr. 1 Read first time 1216
Apr. 1 Referred to Committee on Constitutional Revision and Recreation 1223
Apr. 5 Attorney General Opinion 1270
Apr. 5 Notice of hearing 1277
Apr. 15 Placed on General File 1419
Apr. 15 Kahle motion to withdraw pending 1453
Apr. 18 Withdrawn 1477

LEGISLATIVE BILL 528 By Labedz at request of Governor

Apr. 4 Read first time 1233
Apr. 4 Referred to Committee on Miscellaneous Subjects. Notice of hearing 1254
Apr. 19 Indefinitely postponed 1500

LEGISLATIVE BILL 529 By Business and Labor Committee

Apr. 5 Read first time 1258
Apr. 6 Referred to Committee on Business & Labor. Notice of hearing 1317
Apr. 19 Placed on General File 1500

LEGISLATIVE BILL 530 By Appropriations Committee

Apr. 12	Read first time	1367
Apr. 12	Placed on General File	1368
Apr. 19	R. Lewis amendments printed	1494
Apr. 19	Kelly amendment printed	1499
Apr. 19	Warner amendments adopted. Bereuter amendment to R. Lewis amendment adopted. R. Lewis amendment pending	1514
Apr. 20	Mills amendment withdrawn. F. Lewis pending amendment as amended adopted. Kelly pending amendment withdrawn. Koch amendment withdrawn. Keyes amendment lost. Referred for review	1544
Apr. 21	Koch amendments printed	1570
Apr. 22	Placed on Select File	1574
Apr. 26	Koch pending amendment(1) adopted, (2) withdrawn. Newell amendment lost	1643
Apr. 26	Referred for engrossment	1644
Apr. 28	Replaced on Select File	1676
Apr. 29	Referred for engrossment. Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment	1727
May 2	Correctly engrossed	1748
May 9	Warner amendments printed	1918
May 17	Returned to Select File for Warner amendment. Warner amendment adopted. Referred for re-engrossment. Returned to Select File for Warner amendment. Warner amendment adopted. Referred for re-engrossment	2097
May 23	Replaced on Select File	2144
May 23	Referred for engrossment	2151
May 23	Correctly re-engrossed	2152
May 25	Final Reading	2213
May 25	Correctly enrolled	2221
May 25	President signed	2222
May 25	Presented to Governor	2228
June 1	Approved by Governor	2264

LEGISLATIVE BILL 531 By Appropriations Committee

Apr. 12	Read first time	1367
Apr. 12	Placed on General File	1368
Apr. 18	Warner amendments printed	1471
Apr. 19	Warner amendment printed	1517
Apr. 21	Koch amendments printed	1571

Apr.	22	Warner pending amendments adopted. DeCamp amendment lost. Koch pending amendments renewed, part lost, part withdrawn	1578
Apr.	22	Koch amendment pending. Newell amendment lost	1583
Apr.	25	Koch pending amendment withdrawn. F. Lewis amendment lost. Referred for review	1620
Apr.	27	Placed on Select File	1659
Apr.	28	Laid over	1692
May	2	Warner amendments printed	1744
May	3	Barnett amendment adopted. Koch re-offered amendment lost. Warner pending amendment adopted. Referred for engrossment	1785
May	4	Replaced on Select File	1797
May	5	Referred for engrossment	1860
May	9	Replaced on Select File	1886
May	9	Referred for engrossment	1907
May	9	Warner amendment printed	1918
May	10	Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment	1943
May	11	Correctly engrossed	1964
May	13	Schmit amendment printed	2033
May	16	Schmit motion to return to Select File for amendment pending	2059
May	17	Schmit pending motion prevailed. Schmit amendment adopted. Referred for re-engrossment	2098
May	23	Correctly re-engrossed	2148
May	25	Final Reading	2215
May	25	Correctly enrolled	2221
May	25	President signed	2222
May	25	Presented to Governor	2228
May	25	Mills explanation of vote	2248
June	1	Approved by Governor. Line-item veto	2259
June	7	Delivered to Secretary of State	2316
June	7	Letter	2317

LEGISLATIVE BILL 532 By Appropriations Committee

Apr.	12	Read first time	1367
Apr.	12	Placed on General File	1368
Apr.	20	F. Lewis and Koch amendments printed	1547
Apr.	20	Warner amendments printed	1548
Apr.	21	F. Lewis amendment printed	1551
Apr.	21	Warner amendments printed	1568

Apr. 21 Koch amendments printed 1571
Apr. 22 Burrows amendments printed 1581
Apr. 25 Attorney General Opinion 1597
Apr. 25 DeCamp amendments printed 1616
Apr. 25 Warner amendments page 1568 adopted.
Warner amendment (1) page 1548 adopted.
Warner amendments page 1621 adopted.
Laid over 1620
Apr. 26 Koch amendments printed 1650
Apr. 28 Burrows amendment page 1581 lost.
Dworak-DeCamp amendment page 1616
adopted 1707
Apr. 28 Koch amendments page 1547, 1571 and 1650
withdrawn. Newell amendment lost.
Referred for review 1710
Apr. 29 Koch amendment printed 1729
May 2 Placed on Select File 1739
May 2 Warner amendments printed 1744
May 2 Dworak amendments printed 1746
May 2 Labedz amendments printed 1747
May 2 R. Lewis amendments printed 1748
May 2 Barnett amendment printed 1768
May 2 Dworak amendment printed 1810
May 9 Warner amendments printed 1919
May 9 Warner amendments printed 1929
May 10 Warner amendments (1) & (2) page 1744 adopted;
pages 1919-1921 adopted. F. Lewis and
Bereuter amendments adopted. Warner
amendments pages 1921-1923 adopted as
amended. Dworak amendment page 1810
adopted. Warner amendment page 1929
adopted. Warner amendment page 1920
withdrawn 1949
May 10 Koch amendments pages 1729 and 1650 lost.
Koch amendment page 1571 withdrawn 1958
May 10 Koch amendment page 1547 lost. Dworak
amendment page 1746 lost 1961
May 11 F. Lewis amendments page 1547 and 1551 lost.
F. Lewis amendment page 1551 pending 1966
May 11 F. Lewis amendment page 1551 lost. R. Lewis
amendment page 1748 adopted 1969
May 11 Labedz amendment page 1747 lost 1970
May 11 Barnett amendment page 1768 withdrawn.
DeCamp & Schmit amendment pending 1973

May 11 Warner amendment to DeCamp-Schmit amendment adopted. DeCamp-Schmit amendment adopted as amended. Koch amendment page 1975 lost. Schmit amendment page 1976 lost 1974
May 11 Keyes and Lamb amendments lost. Keyes amendment out of order. Kelly and Carsten amendments adopted. Burrows amendment lost. Referred for engrossment 1977
May 13 Chambers amendments printed 2026
May 16 Returned to Select File for Warner amendment 2076
May 16 Warner amendment adopted. Referred for engrossment. Returned to Select File for Chambers amendment page 2026 as modified. Chambers amendment adopted. Referred for engrossment. Returned to Select File for Cullan amendment (page 1547 by Koch). Cullan amendment adopted. Referred for engrossment 2077
May 17 Returned to Select File for Warner amendment 2109
May 17 Warner amendment adopted. Referred for engrossment 2110
May 18 Returned to Select File for DeCamp-Schmit amendment. DeCamp-Schmit amendment adopted. Referred for engrossment 2126
May 23 Replaced on Select File 2144
May 23 Referred for engrossment 2151
May 23 Correctly engrossed 2152
May 23 Returned to Select File for Koch amendment 2159
May 23 Koch amendment adopted. Referred for re-engrossment 2160
May 23 Returned to Select File for DeCamp amendment 2162
May 23 DeCamp amendment adopted. Referred for re-engrossment 2163
May 23 Replaced on Select File 2169
May 23 Referred for re-engrossment 2170
May 23 Correctly re-engrossed 2171
May 25 Final Reading 2220
May 25 DeCamp motion to reconsider pending 2221
May 25 DeCamp pending motion lost 2233
May 25 Mills explanation of vote 2248
May 25 Warner motion to reconsider prevailed 2251

June	1	Message from Governor	2265
June	1	Final Reading	2291
June	1	Correctly enrolled	2294
June	1	President signed	2295
June	1	Presented to Governor	2301
June	1	Approved by Governor. Line-item veto	2305
June	1	Warner motion to override line-item veto to Sec. 21 failed; motion to override line-item veto to Sec. 45 prevailed	2308
June	1	Communication	2313
June	1	Certificate	2314
June	7	Corrected certificate	2316
June	7	Communication	2317

LEGISLATIVE BILL 533 By Appropriations Committee

Apr.	12	Read first time	1367
Apr.	12	Placed on General File	1368
Apr.	21	Koch amendments printed	1571
Apr.	22	Kremer amendments printed	1582
Apr.	22	Maxey amendments printed	1588
Apr.	25	Kelly amendment printed	1613
Apr.	25	Nichol amendment printed	1623
Apr.	26	Kelly amendment printed	1649
Apr.	27	Nichol amendment page 1623 withdrawn	1656
Apr.	27	Kremer amendment page 1582 withdrawn	1658
May	2	Koch amendment page 1571 adopted. Maxey amendment page 1588 withdrawn. Kelly amendment page 1613 lost. Koch amendment to Kelly amendment lost. Kelly amendment page 1649 lost	1752
May	2	Warner amendment adopted. Referred for review	1755
May	3	Placed on Select File	1788
May	4	Laid over	1806
May	4	Dworak amendment printed	1810
May	9	Warner amendment printed	1923
May	10	Warner amendments printed	1954
May	10	Schmit amendments printed	1963
May	11	Nichol amendment printed	1973
May	12	Warner amendment adopted. Kremer amendment page 1582 re-offered. Schmit amendment to Kremer amendment lost. Kremer amendment lost	2006

May 12 Warner amendments page 1923 adopted; amendments (1) (2) & (3) page 1954 adopted. Dworak amendment page 1810 withdrawn. Cullan amendment lost. Warner amendment printed 2010
May 13 Schmit amendments (1) & (2) page 1963 withdrawn. Nichol amendment page 1973 lost 2028
May 13 George amendment lost. Warner amendment page 2011 lost. Carsten amendment page 2030 adopted 2029
May 13 Schmit amendment printed 2033
May 13 Maresh and George amendments lost 2034
May 13 Referred for engrossment 2035
May 16 Carsten amendment printed 2085
May 18 Returned to Select File for Warner amendment 2120
May 18 Warner amendment adopted. Referred for engrossment. Returned to Select File for DeCamp amendment 2121
May 18 DeCamp amendment adopted. Referred for engrossment 2122
May 18 Returned to Select File for Warner amendment 2123
May 18 Warner amendment page 2011 adopted 2124
May 18 Referred for engrossment. Carsten motion to return to Select File lost 2125
May 23 Replaced on Select File 2145
May 23 Referred for engrossment 2151
May 23 Correctly engrossed 2152
May 24 Simon motion to return to Select File for amendment withdrawn 2192
May 25 Final Reading 2240
May 25 Correctly enrolled. President signed 2245
May 25 Mills explanation of vote 2248
May 25 Presented to Governor 2252
June 1 Approved by Governor 2264

LEGISLATIVE BILL 534 By Banking, Commerce and Insurance Committee

Apr. 13 Read first time 1383
Apr. 13 Referred to Committee on Public Works 1391
Apr. 14 Notice of hearing 1406
Apr. 25 Placed on General File 1603
May 6 DeCamp amendments printed 1881

LEGISLATIVE BILL 535 By Business and Labor Committee

Apr.	13	Read first time	1383
Apr.	13	Referred to Committee on Business & Labor	1391
Apr.	14	Notice of hearing	1414
Apr.	21	Placed on General File	1567

LEGISLATIVE BILL 536 By Appropriations Committee

Apr.	19	Read first time	1484
Apr.	22	Referred to Committee on Government, Military and Veterans Affairs	1584
Apr.	22	Notice of hearing	1587
Apr.	29	Placed on General File	1733
May	2	Referred for review	1767
May	3	Placed on Select File	1788
May	4	Referred for engrossment	1806
May	5	Correctly engrossed	1829
May	10	Final Reading	1936
May	10	Correctly enrolled. Speaker signed	1947
May	10	Presented to Governor	1951
May	16	Returned by Governor without approval	2070
May	16	Attorney General Opinion	2071

LEGISLATIVE BILL 537 By Appropriations Committee

Apr.	19	Read first time	1517
Apr.	19	Placed on General File	1519
Apr.	28	Referred for review	1710
May	2	Placed on Select File	1739
May	3	Referred for engrossment	1775
May	4	Correctly engrossed	1813
May	17	Returned to Select File for Bereuter amendment	2098
May	17	Bereuter amendment adopted. Referred for re-engrossment	2099
May	23	Replaced on Select File	2145
May	23	Referred for re-engrossment	2151
May	23	Correctly re-engrossed	2152
May	25	Final Reading	2214
May	25	Correctly enrolled	2221
May	25	President signed	2222
May	25	Presented to Governor	2228
June	1	Approved by Governor	2264

LEGISLATIVE BILL 538 By Appropriations Committee

Apr.	20	Read first time	1544
Apr.	20	Referred to Committee on Appropriations	1546
Apr.	22	Notice of hearing	1578

LEGISLATIVE BILL 539 By Appropriations Committee

Apr.	20	Read first time. Placed on General File	1549
Apr.	21	Burrows amendment printed	1561
Apr.	25	Duis amendment printed	1621
Apr.	28	Burrows pending amendment withdrawn. Goodrich amendment to Duis amendment lost. Duis pending amendment lost	1711
Apr.	28	Barnett amendment adopted. Maresh amendment lost. Referred for review	1714
Apr.	29	Duis motion to reconsider pending	1724
May	2	Placed on Select File	1739
May	2	Warner amendments printed	1746
May	9	Duis amendments printed	1916
May	9	Warner amendment printed	1925
May	11	Warner amendments page 1746 adopted. Duis amendment page 1916 withdrawn. Duis motion to reconsider withdrawn. Warner amendments page 1925 adopted as modified. Bereuter amendment to Koch amendment lost. Koch amendment adopted. Schmit amendment adopted. Referred for engrossment	1982
May	13	Chambers amendment printed	2026
May	16	Returned to Select File for Chambers amendment. Chambers amendment adopted. Referred for engrossment	2080
May	17	Returned to Select File for Warner amendment	2107
May	17	Warner amendment adopted. Referred for engrossment. Returned to Select File for Bereuter amendment. Bereuter amendment adopted. Referred for engrossment	2108
May	17	Returned to Select File for Simon amendment. Simon amendment adopted. Referred for engrossment	2109
May	23	Replaced on Select File	2146
May	23	Referred for engrossment	2151
May	23	Correctly engrossed	2152
May	25	Final Reading	2216
May	25	Correctly enrolled	2221

May	25	President signed. Held	2222
May	25	Presented to Governor	2228
June	1	Approved by Governor. Line-item veto	2260
June	1	Passed over Governor's line-item veto	2271
June	1	Communication. Certificate	2280
June	1	Letter	2289

LEGISLATIVE BILL 540 By Appropriations Committee

Apr.	22	Read first time	1576
Apr.	22	Referred to Committee on Education	1584
May	2	Notice of hearing	1761
May	13	Placed on General File	2050
May	13	Referred for review	2052
May	16	Placed on Select File	2067
May	18	F. Lewis amendment adopted. Referred for engrossment	2128
May	23	Replaced on Select File	2147
May	23	Referred for engrossment	2151
May	23	Correctly engrossed	2152
May	25	Final Reading	2241
May	25	Correctly enrolled. President signed	2245
May	25	Mills explanation of vote	2248
May	25	Presented to Governor	2252
June	1	Approved by Governor	2264

LEGISLATIVE BILL 540A By F. Lewis

May	13	Read first time. Placed on General File	2050
May	13	Referred for review	2053
May	16	Placed on Select File	2067
May	18	Laid over	2128
May	23	Referred for engrossment	2154
May	23	Correctly engrossed	2159
May	25	Final Reading	2242
May	25	Correctly enrolled. President signed	2245
May	25	Presented to Governor	2252
June	1	Returned by Governor without approval	2260

LEGISLATIVE BILL 541 By Appropriations Committee

Apr.	22	Read first time	1576
Apr.	22	Referred to Committee on Government, Military and Veterans Affairs	1584
Apr.	22	Notice of hearing	1587
Apr.	29	Placed on General File	1733

LEGISLATIVE BILL 542 By Appropriations Committee

Apr.	22	Read first time	1577
Apr.	22	Placed on General File	1584
May	2	Referred for review	1762
May	3	Placed on Select File	1788
May	4	Duis motion to indefinitely postpone pending	1806
May	5	Laid over	1865
May	6	Duis pending motion laid over	1882
May	16	Duis pending motion lost. Referred for engrossment	2076
May	17	Correctly engrossed	2090
May	23	Final Reading	2150
May	23	Correctly enrolled. Speaker signed	2161
May	23	Presented to Governor	2166
June	1	Approved by Governor	2258

LEGISLATIVE BILL 543 By Appropriations Committee

Apr.	29	Read first time	1734
Apr.	29	Placed on General File	1735
May	2	Labedz amendment offered. Koch amendment to Labedz amendment lost. Labedz amendment pending	1762
May	2	Labedz pending amendment adopted. Warner amendment adopted. Referred for review	1766
May	3	Placed on Select File	1788
May	4	Referred for engrossment	1806
May	9	Warner amendments printed	1927
May	10	Returned to Select File for Warner amendment. Warner amendment adopted. Referred for engrossment	1944
May	23	Replaced on Select File	2147
May	23	Referred for engrossment	2151
May	23	Correctly engrossed	2152
May	25	Final Reading	2227
May	25	Chambers motion to reconsider prevailed. Mills explanation of vote	2248
May	25	Final Reading	2249
May	25	Correctly enrolled. President signed. Presented to Governor	2252
June	1	Approved by Governor	2264

LEGISLATIVE BILL 544 By Appropriations Committee

Apr.	29	Read first time. Placed on General File	1735
May	2	Referred for review	1767
May	3	Placed on Select File	1788
May	4	Referred for engrossment	1806
May	5	Correctly engrossed	1829
May	10	Final Reading	1937
May	10	Correctly enrolled. Speaker signed	1947
May	10	Presented to Governor	1951
May	17	Approved by Governor	2090

LEGISLATIVE BILL 545 By Appropriations Committee

Apr.	29	Read first time. Referred to Committee on Appropriations	1735
Apr.	29	Notice of hearing	1736
May	10	Placed on General File	1938
May	13	Referred for review	2051
May	13	Placed on Select File	2067
May	18	Referred for engrossment	2120
May	18	Correctly engrossed	2133
May	24	Final Reading	2183
May	24	Correctly enrolled. Speaker signed	2190
May	24	Warner explanation of vote	2192
May	25	Presented to Governor	2195
June	1	Approved by Governor	2258

LEGISLATIVE BILL 546 By Appropriations Committee

May	4	Read first time	1821
May	9	Placed on General File	1906
May	13	Warner amendment adopted. Referred for review	2039
May	13	Fowler amendments printed	2049
May	16	Placed on Select File	2067
May	16	Mills amendment printed	2085
May	17	Fowler pending amendment adopted. Mills pending amendment lost. Bereuter amendment adopted. Referred for engrossment	2105
May	18	Returned to Select File for Warner amendment	2128
May	18	Warner amendment adopted. Referred for engrossment	2129
May	23	Replaced on Select File	2147
May	23	Referred for engrossment. Correctly engrossed	2152

May 25 Final Reading 2243
May 25 Mills explanation of vote 2248
May 25 Presented to Governor 2252
June 1 Approved by Governor. Line-item veto 2261
June 1 Attorney General Opinion 2296
June 7 Delivered to Secretary of State 2316
June 7 Letter 2318

LEGISLATIVE BILL 547 By Approprations Committee

May 10 Read first time 1943
May 10 Placed on General File 1947
May 13 Referred for review 2051
May 16 Placed on Select File 2067
May 18 Referred for engrossment 2120
May 18 Correctly engrossed 2133
May 24 Final Reading 2184
May 24 Correctly enrolled. Speaker signed 2190
May 24 Warner explanation of vote 2192
May 25 Presented to Governor 2195
June 1 Approved by Governor 2258

LEGISLATIVE BILL 548 By Executive Board

May 10 Read first time 1946
May 10 Placed on General File 1947
May 13 Marvel amendments adopted. Referred for review 2035
May 16 Placed on Select File 2066
May 16 Marvel amendment printed 2084
May 18 Marvel pending amendment adopted. Referred for engrossment 2128
May 23 Replaced on Select File 2147
May 23 Referred for engrossment. Correctly engrossed 2152
May 25 Final Reading 2243
May 25 Correctly enrolled. President signed 2245
May 25 Mills explanation of vote. Presented to Governor 2248
June 1 Approved by Governor 2264

LEGISLATIVE BILL 549 By Appropriations Committee

May 10 Read first time 1958
May 10 Placed on General File 1959
May 11 F. Lewis amendments printed 1971
May 11 Rasmussen amendment printed 1985

May	13	Warner amendment adopted. F. Lewis pending amendment lost	2039
May	13	Rasmussen pending amendment lost. Schmit amendments adopted. Nichol amendment lost. Referred for review	2044
May	16	Placed on Select File	2067
May	16	Mills amendment printed	2085
May	17	Warner amendments adopted	2110
May	17	Mills pending amendment renewed	2112
May	18	Mills pending amendment lost. R. Lewis, Fowler, Mills and Barnett amendments adopted. Bereuter amendment offered. Kelly amendment adopted. George amendment out of order. F. Lewis amendment as amended by Newell lost. Duis amendment lost. Newell amendment out of order. Bereuter amendment as amended adopted. Referred for engrossment	2114
May	23	Replaced on Select File	2148
May	23	Referred for engrossment. Correctly engrossed	2152
May	23	Schmit motion to return to Select File for amendment lost	2154
May	23	Nichol motion to return to Select File for amendment lost	2156
May	23	Rasmussen motion to return to Select File for amendment lost	2169
May	25	Final Reading	2244
May	25	Mills explanation of vote	2248
May	25	Correctly enrolled. President signed	2249
May	25	Presented to Governor	2252
June	1	Approved by Governor. Line-item veto	2261
June	1	Warner motions to override line-item veto on Sec. 50 & 51 prevailed; Sec. 52 failed	2297
June	1	Bereuter motion to override line-item veto on Sec. 44 failed	2300
June	1	Reutzel motion to reconsider line-item veto on Sec. 52 prevailed	2307
June	1	Communication	2312
June	1	Certificate	2313
June	7	Letter	2319

LEGISLATIVE BILL 550 By Appropriations Committee

May	10	Read first time. Placed on General File	1959
May	13	Warner amendments printed	2025
May	13	Duis amendment printed	2033
May	13	Warner pending amendment adopted. Referred for review	2038
May	13	Stoney amendment printed	2044
May	16	Placed on Select File	2066
May	17	Duis and Stoney pending amendments lost. Duis amendment reconsidered, adopted. Referred for engrossment	2099
May	23	Returned to Select File for Duis amendment. Duis amendment adopted. Referred for engrossment	2153
May	23	Replaced on Select File	2158
May	23	Referred for engrossment. Correctly engrossed	2159
May	25	Final Reading	2245
May	25	Correctly enrolled. President signed. Mills explanation of vote	2248
May	25	Presented to Governor	2252
June	1	Approved by Governor. Line-item veto	2263
June	1	Passed over Governor's line-item veto	2272
June	1	Communication. Certificate	2281
June	1	Letter	2290

LEGISLATIVE BILLS

By Original Introducers*

WALLY BARNETT, JR.

12 State Personnel Board membership.
13 Parking spaces for paraplegics.
14 Polygraph examination, unfair labor practice.
19 Lotteries, increased local control.
20 Retail liquor licenses, maximum number.
24 Railroads.
36 Lincoln-Lancaster County Governments merger.
38 A Appropriation Bill.
161 A Appropriation Bill.
284 Dissolution of marriages of more than fifteen years duration.
400 Natural Death Act.
457 District election of Lincoln School Board of Education.

DOUGLAS K. BEREUTER

43 Hospital licenses, data requirement.
142 Nebraska Product-Liability Act.
171 Acquisition of Major's Hall, Peru State College.
172 State Capitol Environs Protection and Improvement Act.
186 Planning commissions, land-use planning changes.
193 Appropriations and Expenditures Review Act of 1977.
229 Legislative fiscal analyst analysis of state agency legislation.
310 Control of beverage containers.
449 Nebraska Public Service Commission Reform Act
450 Water Conservation Act of 1977.
450A Appropriation Bill.
44 with others.

KEITH M. BOUGHN

235 Overtime compensation for state employees.
325 Registration of school psychologists.
375 Rights of terminated school district employees.
403 Attachment of Class I school district to adjoining district.
404 Motorized bicycles.
422 Indian representative in Legislature, constitutional amendment.
423 Supplemental retirement benefits for teachers.

* See also Bills Introduced by Committees, page 2527 and Chronology of Bills, page 2325.

BILL BRENNAN

143 Workmen's compensation weekly benefit increase.
144 Time for filing workmen's compensation claims.
150 Metropolitan transit authority membership increase.
253 Uninsured Employers Fund.
302 Industrial Relations Court, judges per diem increase.
302A Appropriation Bill.
337 Maximum unemployment benefit amount increase.
446 Rights of teachers, administrators in employment contracts.
104, 416, and 507 with others.

GEORGE W. BURROWS

70 Hollow point bullets.
104 Wage Payment Collection Act.
130 Integrated corporations ownership restrictions.
192 Adjusted gross income tax for state aid to schools.
245 Two-year statute of limitations on tax refund claims.
278 Polygraph examinations as evidence in traffic violations.
379 Extended area telephone service.
380 Practice of clinical psychology.
380A Appropriation Bill.
416 Tax on intangible property income.
417 Fairness In Lending Act.

CALVIN F. CARSTEN

155 Nonstock cooperatives voting rights.
205 Irrigation, improvements of certain state-owned school property.
254 Removing occupation tax on bottle clubs.
319 Municipal Sales and Use Tax Act.
518 with others.

ERNEST CHAMBERS

62 Douglas County Commissioners election by districts.
63 District election of Omaha Council members.
64 Death penalty elimination
65 Nebraska Law Enforcement Procedures Act.
66 Civil remedies for deprivation of rights.
67 Food sales tax exemption.
179 Aid to dependent children payment increase.
179A Appropriation Bill.
408 Disciplining of Supreme Court judges or other judge, constitutional amendment.
436 Nebraska legal information center.

ROBERT L. CLARK

87 Drunken driving first offense conviction.
206 Barbering and cosmetology practices.
368 State universities, colleges, teacher contract renewal.
401 Legislature's Telecommunications Committee.
447 Oil, gas cost, expense recovery figures in pooling orders.
518 with others.

RON COPE

78 Sales tax on lodging.
79 Nebraska Safety Center.
79A Appropriation Bill.
80 Leasing of certain public land.
173 County road included in annexation of property by municipalities.
174 Maintenance of county roads.
195 Fees for administering nonmoving traffic violations.
321 Jobs Creation Act.
340 First, second class cities, power of eminent domain.

SAMUEL K. CULLAN

117 School transportation allowance limitation.
160 Defining camping facility for sales and use tax purposes.
203 Term of mayor in city manager plan.
374 Public transportation systems, donation-fare basis.
186, 234, and 518 with others.

JOHN W. DECAMP

52 Construction of grain alcohol plant.
52A Appropriation Bill.
53 Legislative review of state agencies.
54 Primary elections, nonpartisan candidates.
55 Groundwater ownership and regulation.
56 Zoning and land-use planning.
187 Penalty changes for possession of marijuana.
188 Probationary period for school teachers and administrators.
259 Industrial loan and investment changes.
263A Appropriation Bill.
385 Bank Holding Company Act.
386 Liquor licenses and disposal of containers by minors.

HERBERT J. DUIS

199 Waiver of workmen's compensation coverage.
200 Redefining distribute for commercial feed law.
361 Real estate licensing, business procedures change.

DONALD N. DWORAK

149 Beneficial use of irrigation defined.
152 Municipal audits.
177 Regular paydays for employees, remedies for nonpayment.
213 Prohibiting sale of certain beverage containers.
214 Electrical service suppliers.
215 Issuance of bonds for school buildings or teacherages.
216 Use of aircraft to shoot coyotes.
277 Transfering duties of water resources department.
295 Nine-member board of trustees for higher education, constitutional amendment.
310 with others.

TOM FITZGERALD

None.

STEVE FOWLER

59 Good faith bargaining, orders for.
60 Property, exemptions from execution change.
232 State Energy Office.
233 Voting, booth access for handicapped persons, mail registration.
276 Requiring corroboration of testimony of drug informants.
367 Nebraska Legal Services Commission.
409 Licensing of social workers.
103, 310, and 449 with others.

WALTER GEORGE

392 Homestead exemptions.
414 Indemnity bond in lieu of motor vehicle liability insurance.
461 Sales tax exemption for certain tangible personal property.

GLENN A. GOODRICH

89 UNO health, physical education, recreation facility appropriation.
90 Color photograph on driver's license.
90A Appropriation Bill.
91 Fertilizer, feed sales by retail grocery stores.
92 Medical assistance payments.
92A Appropriation Bill.

93 Campaign contributions from liquor corporations.
94 Land surveyors license reciprocity.
158 Neighborhood Improvement District Act of 1977.
159 Private housing authorities.
180 Health or insurance plans for public power district directors.
429 Rate of return for public utilities.

WILLIAM H. HASEBROOCK

82 Governmental subdivision fund appropriation increase.
84 Acquisition of private property for public use.
85 Motor vehicle identification number assignment.
157 Insurance proceeds included in disposition of collateral.
194 Redefining political subdivision for social security purpose.
208 Title recovery of certain public power, irrigation district lands.
244 Sales, use tax refunds for pollution control facility owners.

ELROY M. HEFNER

279 Filing duplicate copies of crop liens.
430 Indian reservation school districts.
216 with others.

MARTIN F. KAHLE

124 Notice of judgment in civil cases.
125 Notice of requirements for juvenile court hearing.
126 Legal fee changes.
243 Penalty for failure to report real property improvements.
292 Commitment to penal complex of persons under eighteen years.
360 Grain and seed excise tax proceeds.
371 Location of power irrigation pumps.
398 Political participation by Game Commission employees.
519 Local government's revenue sharing.

RALPH D. KELLY

118 Special election for juvenile court proposition.
119 Podiatry health care provider redefined.
120 Breach of warranty on real property improvements.
121 Tenant security deposits.
122 Sheriff merit system.
274 Assessment for on-street parking regulation enforcement.
275 Increases maximum rate of workmen's compensation.
275A Appropriation Bill.
369 Redefining minor for consumption of alcoholic liquors.
372 Redefining child care.
438 Public convenience issue in condemnation proceedings.

ORVAL A. KEYES

25 Taxing public irrigation and electricity corporations, change, constitutional amendment.
26 Real estate tax computation, pollution factors.
27 Free port tax exemption removal.
28 Premium taxation rates increase.
207 Insurance payments, manual spinal adjustment treatment services.
246 Credit union maximum interest rate, other procedure changes.
304 Sheriff's office merit commissions for certain counties.

GERALD D. KOCH

33 State aid to schools.
33A Appropriation Bill.
34 Rubella immunological response, marriage license requirement.
35 Library for the blind transfer.
44 Administrative Rules and Regulations Review Committee.
68 Primary election changes.
69 Parole Board Nomination Commission.
170 Statewide computerized property tax valuation.
383 Nebraska Veterans' Aid Fund.
384 Disclosure of confidential information by corporations.
428 Notice of school administrators' contracts.

MAURICE A. KREMER

116 Abandoned vehicles on state property.
212 Jail Standards Board.
247 Ground Water Protection Act.
247A Appropriation Bill.
298A Appropriation Bill.
373 Installment contracts for purchases of mobile homes.
458 Sheriffs' fees.
402 and 518 with others.

BERNICE LABEDZ

88 State employees compensatory time.
407 Homestead exemption.
431 Certified public accountant standards.
528 Sunshine Act, eliminating Governor and Secretary of State from.

HOWARD LAMB

83 Livestock movement and brand inspection.
190 Physician residency requirements for Board of Health membership.
191 Addition of counties to brand inspection areas.
301 Training courses for county assessor representatives.
339 Technical Community College Board of Governors.
394 Election for municipal sales and use tax.

FRANK L. LEWIS

99 Income and sales tax rates.
267 Statement filing change for sanitary and improvement districts.
270 Reports to Legislature of General Fund receipts.
271 District court reporter fee increase.
272 September primary election for cities and school boards.
273 Naming of state-owned or leased buildings.
426 Bottle clubs and alcoholic liquors.
427 Height tolerance for vehicles transporting motor vihicles.
439 Natural resources, public power district contract approval.
540A Appropriation Bill.
78 with others.

RICHARD LEWIS

100 Redefining power service areas.
108 Red Willow, Swanson Reservoir State Recreation Areas.
131 Property tax levy and credit fund.
138 Prehospital emergency medical health care.
138A Appropriation Bill.
393 Motor carrier regulations.
397 Norfolk Regional Center transfer.

ROLAND A. LUEDTKE

488 Technical community colleges.
489 Postsecondary education appropriation.
490 State aid to local governments and individuals.
491 Appropriation for payment of salaries of members of Legislature.
492 Appropriation for payment of state officers salaries.
493 Appropriations for expenses of state government.
494 Commission on Rural Health Manpower.
495 Appropriations for capital construction.
496 State aid for children.
521 Appropriations for increased judges' salaries.
522 Increase and shift of certain appropriations.

RICHARD MARESH

29 County community buildings.
30 Food sales tax credit increase.
97 Agister's liens.
145 Pari-mutuel profits use for State Fair facilities.
181 Registration of semitrailers as farm trucks.
234 Taxation of mobile homes, constitutional amendment.
240 Political Accountability and Disclosure Act exemptions.
322 Assistance for medically needy areas, constitutional amendment.
411 Discontinuance of watershed conservancy districts.
431 with others.

SHIRLEY MARSH

71 Absent voter's ballot.
72 Recording information on birth certificates.
73 Marriage and dissolution of marriage information.
74 Garbage removal by City of Lincoln.
75 Fine increase for certain offenses.
137 Lost warrant duplicates.
219 Food tax credit by nonresident guardian taxpayer.
473 Enforcement of public building standards to State Fire Marshal.
33 and 402 with others.

RICHARD D. MARVEL

231 Legislature, Credentials Committee, waiver of organizing.
316 Access roads on isolated lands.

JO ANN MAXEY

146 Acquisition of liability insurance by State Board of Education.
147 Removal of zoning limitations in particular cities.
198 Increased retirement benefits for certain University of Nebraska retirees.
198A Appropriation Bill.
305 Disposition of Unclaimed Property Act, dollar limitations removal.
305A Appropriation Bill.
306 Commission for the Handicapped.
307 Lincoln-Lancaster County Health Department, membership change.
328 Deferred compensation plans for public employees.
329 Martin Luther King, Jr. Day.
388 Wyuka Cemetery.
389 Equal Opportunity for Displaced Homemakers Act.
389A Appropriation Bill.

NELSON MERZ

204 Alcoholism and Intoxication Treatment Act.
204A Appropriation Bill.
211 Slow-moving vehicle emblem.
226 Municipal Cooperative Financing Act.
251 Closing of bank accounts as result of issuance of bad checks.
432 Residential facilities for mentally retarded persons.
416 and 417 with others.

JACK D. MILLS

123 Motor vehicle registration.
127 Sales tax on lodging.
128 Unemployment compensation benefit changes.
129 Three-day nonresident hunting and fishing permits.
217 Control of runoff of water on a statewide basis.
218 Fertilizer liens.
227 Odometer replacement, recording of same mileage.
252 Gas Utility Act.
293 Alcoholic beverages tax increase, Department of Public Institutions Alcoholism Cash Fund.
294 Attorneys provided to State Patrol by Attorney General.
317 Vacancies in enrollment of College of Medicine.
323 Exempting solar energy systems from taxation, constitutional amendment.
518 with others.

HAROLD T. MOYLAN

101 Abandoned motor vehicles.
102 School retirement annuity adjustments.
103 Drug Product Selection Act.
136 Douglas County civil service system.
148 Disabled voter assistance.
350 Paraplegics, blind, mobile home, motor vehicle taxes, exempt.
405 Selection of Nebraska Natural Resources Commission.
406 Audiologists and speech pathologists.
406A Appropriation Bill.

JOHN ROBERT MURPHY

45 Acts declared unconstitutional by Attorney General, implementation of.
46 Penalties for failure to implement acts of the Legislature.
47 Title to motor vehicles.
48 Minimum standard health-care benefits.

98 Implementation of acts of Legislature.
249 Coal Slurry Pipeline.
366 Liquidation, insolvency proceedings of insurance companies.

DAVID R. NEWELL

105 Partisan Legislature.
106 Food sales tax exemption, exceptions.
107 Personal Property Tax Relief Fund appropriation maximum.
153 Establishment of salary for members of Legislature, constitutional amendment.
154 Construction site safety precautions.
239 Election of county executive director in Douglas County.
326 Election campaign expenditures.
327 Sales and use, income tax rates, eliminating nearly equal levy.
381 State employees salary increase.
382 Income tax checkoff for political parties.

WILLIAM E. NICHOL

15 Lake Minatare State Recreation Area.
16 Nonprofit day care services, tax exempt.
17 No-fund check penalty change.
18 Installment loan maximum amount, interest rate increase.
50 City council membership, qualifications change.
57 Police services.
58 Termination statement filing fee.
236 Recreational vehicle jurisdiction transfer.
448 Auditor of Public Accounts.
470 Providers of special education programs.
518 with others.

DENNIS RASMUSSEN

23 Uniform Limited Partnership Act.
31 County bridge repair.
32 Tax situs for watercraft.
95 Comprehensive planning, first, second class cities, villages.
96 Conservatorship or guardianship in real estate matters.
257A Appropriation Bill.
315 Transfer of Dept. of Public Institutions Funds to Veterans' Home Building Fund.
395 Registration fee for cabin trailers, implements of husbandry.
396 Mobile home annual permit renewal by landowners.
410 State assessment on natural gas pipeline facilities.
463 Fee for cancellation of lien on motor vehicle title.

BARRY L. REUTZEL

37 Podiatric Medicine Education Assistance Program.
140 Removal of withholding gasoline tax from counties.
141 First, second class cities, contracts over $20,000.
176 Removing requirement to keep view into liquor premises open.
201 Election procedure changes.
75 and 81 with others.

MYRON RUMERY

11 Plumbing inspections.
51 Truck weight limitations exception.
241 Sales tax rate for certain construction projects.
318 Sales tax rate for certain construction projects.
376 Wild West Arena transfer.
378 Private, parochial school standards.

JOHN S. SAVAGE

21 State Boat Act changes.
21A Appropriation Bill.
224 State, federal savings and loan associations, same advantages.
225 Unsecured loans to building and loan association members.
230 Snowmobile Registration and Trail Fund.
230A Appropriation Bill.
237 Liquor retailer's license to Fine Arts Museum.
238 Omaha off-street parking facilities.
320 State contracting for architectural, engineering services.
415 Bingo.

LORAN SCHMIT

77 Attached auxiliary teller office.
81 State park area entry permits.
81A Appropriation Bill.
220 Litter Control Act.
220A Appropriation Bill.
221 Restitution Employment Furlough Act.
258 Capital Expansion Act.
258A Appropriation Bill.
303 Certain acquisition attempts by corporations, requirements.
377 Wholesale electrical suppliers, charge dispute settlements.
424 Acceptance of work by certain unemployment claimants.
425 Aid to dependent children investigations by county attorney.
468 Sale of obscene material.

NEIL SIMON

76 Land and improvements assessment.
196 Fleeing in motor vehicle to avoid arrest.
197 Additional powers of natural resource district boards.
202 Regulation of franchise arrangements.
286 Employee suggestion system for state government.
370 Nebraska Public Utilities Information Act.
193 with others.

LARRY D. STONEY

111 Availability of judges when court not in session.
112 Bail schedules.
113 Motor vehicle headlight use.
114 Littering.
115 Anatomical donee notations on driver's license.
228 Election of sanitary, improvement district board of trustees.
412 Acupuncture.
413 Zero based state budget.

WARREN R. SWIGART

22 Nebraska School for the Deaf.
49 Uniform Anatomical Gift Act, consent age.
61 City business improvement and parking districts.
86 Sale of Omaha special assessment bonds.
402 Driver's education for motor vehicle operator license.
30 with others.

PATRICK L. VENDITTE

156 Elimination of appearance bond as condition of release.
178 MUD merger with competing utility systems.
182 Placement of solid waste disposal facilities.
222 Reducing cost amount for state facility construction approval.
223 Penalty changes for driving while intoxicated.
269 Drug distribution, possession of marijuana, penalty increase.
418 Appeal of minor offenses.
417 with others.

JEROME WARNER

42 Property taxation.
209 Educational standards for health, accident, life insurance agents.
210 Conflicts of interests, land ownership disclosure change.
324 Motor vehicles, registration, disputes, claims, records.
362 Metric system labeling for alcoholic liquors.
363 Removal of voter approval for conveyance of certain county real property.
459A Appropriation Bill.
460 Board of Educational Lands and Funds.
479 Public Welfare Department, line-item veto reductions, appropriation change.
486A Appropriation Bill.
494A Appropriation Bill.
503A Appropriation Bill.
512A Appropriation Bill.
515A Appropriation Bill.
520A Appropriation Bill.

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AGRICULTURE AND ENVIRONMENT

110 Use of restricted pesticides.
132 Livestock operation environmental criteria.
133 Sod as agricultural product in motor vehicle registration.
134 Identification of brucellosis exposed cattle.
135 Control of insect and plant disease outbreaks.
183 Poultry and Egg Resources Act exemptions.
184 Meat retailer payments to slaughterhouses.
189 Water pollution control.
242 County Extension Boards.
268 Graded Egg Act.
308 Water Pollution Control Tax Refund Act, exclude health dept.
390 Wheat Excise Tax.
390A Appropriation Bill.
433 Employment of inspectors by state agencies.
434 Examination of land-use programs.
435 School lands leased under crop-share agreement.
472 Implements of husbandry inspections.
484 Lancaster County Agricultural Fair.
503 Brucellosis, tuberculosis testing requirements for dairy herds.
518 Elimination of personal property tax over three-year period.

ADMINISTRATIVE RULES

462 Notice of rule changes by state agencies.

APPROPRIATIONS

309A Appropriation Bill.
364 State Investment Officer's Cash Fund.
365 Commission on Status of Women, personnel board, expenses.
475 State payment for unconstitutional mill levy.
477 State aid to schools.
511 Aerospace Museum Cash Fund.
512 Nebraska Arts Council Cash Fund.
513 Petty cash funds for state agencies.
514 Repealing certain funds and distribution of certain payments.
515 Expending existing Department of Health Cash Fund.
520 Central microfilming agency for state agencies.
526 Submission of state budget by Governor.
530 Appropriations for expenses of certain state agencies.
531 Appropriations for expenses of certain state agencies.
532 Appropriations for expenses of certain state agencies.
533 Appropriations for expenses of higher education agencies.

536 Board of Parole Rules and Regulations, records management study.
537 Legislative intent for LB 531.
538 Determination of psychiatric institute patient care costs to counties.
539 Legislative intent for LB 532.
540 Teachers' certification fees, Professional Practices Commission Fund.
541 Increases constitutional officers' salaries.
542 Appropriation for LB 199.
543 Legislative intent for LB 533.
544 Coordinating Commission for Postsecondary Education Cash Fund.
545 State agencies contributions to employee group health insurance plans.
546 Capital construction, appropriations, reappropriations (to LB 984 1976)
547 Appropriation to Department of Administrative Services - Employee Information System.
549 Capital construction appropriation.
550 Appropriation for Legislative Council.

BANKING, COMMERCE AND INSURANCE

260 Defining natural caused disasters for insurance purposes.
261 Unfair insurance practices.
262 Policy loan provisions in life, endowment insurance policies.
263 Security Act of Nebraska, changes.
264 Corporation denial of voting rights to certain classes of stock.
265 Issuance of Bonds of state and political subdivisions.
266 Additional securities qualifying as collateral for public funds.
289 Equal Credit Opportunity Act.
290 Certified public account certificate requirement change.
291 Depository Institution Guaranty Corporation Act.
331 Motor vehicle liability coverage.
332 Liability insurance of hazardous material transporters.
333 Filing fee, articles of insurance incorporation amendments.
334 Nonresident insurance agents' licenses.
335 Resident insurance agent license examination.
336 Licensing of nonresident insurance brokers.
338 Transfer of trust business to another trust company.
387 Unprofessional conduct by funeral directors.
464 Acceptance of some kinds of reinsurance by insurance companies.
465 Notice requirements on sales contracts.
466 Weekly income benefit for totally disabled state employees.
478 Disputed claims against foreign insurance companies.
500 Trusts, securities, central filing, book transfer.
506 Banks engaging in business of leasing personal property.
517 Filing duplicate copies of crop liens with Public Service Commission.

517A Appropriation Bill.
524 Limitation on bringing damage actions.
534 Retention of certain outdoor signs for traveling public.

BUSINESS AND LABOR

399 Workmen's compensation reports.
504 Payment of miscellaneous claims against state.
505 Disallowing certain claims against the state.
509 Expanding coverage in employment security law.
529 Workmen's compensation - reconstructive surgery, artificial aid damages, employers' liability.
535 Private employment agencies.

CONSTITUTIONAL REVISION AND RECREATION

109 Outdoor Recreation Development Act.
109A Appropriation Bill.
280 Reciprocal fishing permits for nonresidents.
281 Use of fishing shelters.
282 Number and selection of Supreme Court Judges, constitutional amendment.
437 UN field laboratory in Saunders County.
469 Tax increment legislation for funding redevelopment projects, constitutional amendment.
482 Per diem for members of Game and Parks Commission.

EDUCATION

440 Examination and immunization of students.
441 Repeal of County Superintendent inspection of private, parochial schools.
442 Diagnostic Resource Center at Cozad.
443 Special Education Programs in private, semiprivate schools.
444 State employee tuition reimbursement for education programs.
445 Property purchases by Educational Service Units.
486 Private Vocational Educational Authorization Act of 1977.
487 Clarifying census reporting and apportionment of school funds.
508 Financial support to school districts by public power districts.
527 Railroad right-of-way, certain abandoned, convey to Game and Parks Commission.

EXECUTIVE BOARD

1 Second class cities, officers removal.
2 School employee retirement.
3 Session law distribution.
4 Lobbying registration.
5 County Judge vacancies.
6 Real Estate Tax Sales.
7 Legislative Audit Review Committee Chairman election.
8 Revisor of Statutes duties.
9 Supreme Court reports distribution.
10 Decedents' estates, surviving spouse interest.
309 Deferred Building Renewal Act.
548 State plan for obtaining surplus federal property.

GOVERNMENT, MILITARY AND VETERANS AFFAIRS

250 National guard dismissal procedures and at request of Governor.
257 Evaluation of need for state agencies.
485 State Fire Marshall Act.
498 Civil service age requirement.
507 Relating to labor; prohibit hiring of illegal aliens.

JUDICIARY

38 Criminal Code, revision of.
39 Criminal Code, revision of.
40 Criminal Code, revision of.
41 Criminal Code.
161 Fair Employment Practice Act changes.
162 Age discrimination in employment.
163 Waiting period waiver in certain divorce cases.
164 Nebraska Crime Victim's Reparations Act.
165 Legal age of marriage.
166 Employment of criminal offenders.
167 Waiver of set notice in conservatorship hearing.
168 Distribution of statutes.
169 Termination of parental rights in divorce actions.
175 State patrol legal counsel in drug abuse cases eliminated.
283 Removing a requirement in the drawing of jury lists.
287 Divorce, separate court action for child custody determination.
288 Performance of marriage ceremonies by retired judges.
330 Office of prosecutor services.
451 Jurisdictional limits of small claims courts.
452 Juvenile sentencing, judges associations, probation.
453 Commitment requirements for certain juvenile offenders.
454 Notices in lieu of summons in juvenile court proceedings.

455 Juvenile court procedures for review or change of disposition.
456 Rate of inheritance tax to immediate relatives.
516 Conformity of state drug schedule with federal classifications.

MISCELLANEOUS SUBJECTS

523 Pari-mutuel wagering on horse races.

NEBRASKA RETIREMENT SYSTEMS

341 State school officials, employees retirement system.
342 Retirement benefits for public safety employees.
343 County employee retirement contributions.
344 Judges retirement.
344A Appropriation Bill.
345 Base rate of pay for firemen pensions, first class cities.
346 Retirement plan for county hospitals, related facilities.
347 State patrol retirement annuity benefits.
347A Appropriation Bill.
348 State Employees Retirement Act.
349 School employees retirement system.
467 Retirement system for judges.

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Agriculture & Environment

Chairman – Loran Schmit

52	83	91	110	130	132	133	134	135
145	155	182	183	184	189	191	197	200
220	242	268	308	371	390	433	435	460
484	503							

Appropriations

Chairman – Jerome Warner

82	89	171	193	309	364	365	381	383
413	437	449	475	477	479	489	490	491
492	493	495	511	512	513	514	515	519
520	521	522	526	538	545			

Banking, Commerce & Insurance

Chairman – John W. DeCamp

18	48	58	77	157	202	207	209	218
224	225	246	251	258	259	260	261	262
263	264	265	266	279	289	290	291	303
305	331	332	333	334	335	336	338	361
366	373	384	385	414	417	431	464	465
478	500	502	506	517	524			

Business & Labor

Chairman – Richard Maresh

14	59	104	128	143	144	154	177	199
253	275	302	321	337	399	424	504	505
507	509	525	529	535	LR42			

Constitutional Revision & Recreation

Chairman – Gerald D. Koch

15	21	25	75	76	81	105	108	109
129	153	216	234	280	281	282	295	297
322	323	398	408	422	469	482	527	LR63

Education

Chairman – Frank Lewis

22 33 37 79 117 146 188 205 215
339 368 375 378 389 403 428 430 440
441 442 443 444 445 446 457 459 470
486 487 488 508 540

Government, Military & Veterans Affairs

Chairman – Dennis L. Rasmussen

12 29 35 44 45 46 53 54 56
62 63 68 71 80 84 88 94 95
98 122 136 137 148 172 186 194 201
222 229 232 233 235 239 250 257 272
273 286 304 315 320 363 388 434 448
458 485 498 536 541

Judiciary

Chairman – Wally Barnett

10 17 23 38 39 40 41 60 64
65 66 69 70 96 97 111 112 114
118 120 121 124 125 126 142 156 161
162 163 164 165 166 167 168 169 175
187 196 204 208 212 221 223 269 271
276 278 283 284 287 288 292 294 330
367 400 418 436 438 451 452 453 454
455 456 468 497 516

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4 19 20 93 176 210 213 231 237
240 254 293 310 326 329 362 369 370
376 386 401 415 426 462 473 523 528

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Chairman – William H. Hasebroock

2 102 198 328 341 342 343 344 345
346 347 348 349 423 466 467

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34 43 49 72 73 92 103 115 119
138 179 206 306 307 311 312 317 325
372 380 387 397 406 409 412 425 432
471 474 480 481 494 496 501

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24 31 47 51 55 85 87 90 100
101 113 116 123 139 147 149 151 174
178 180 181 185 211 214 217 227 228
230 236 247 248 249 252 255 256 267
277 296 298 299 300 313 314 316 324
377 379 393 395 396 402 404 405 410
411 419 420 421 427 429 439 447 450
463 472 499 510 534 LR22

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16 26 27 28 30 32 42 67 78
99 106 107 127 131 140 160 170 192
219 241 243 244 245 270 285 301 318
319 327 350 351 352 353 354 355 356
357 358 359 360 382 391 392 394 407
416 461 518

Urban Affairs

Chairman – Walter George

1 11 13 36 50 57 61 74 86
141 150 152 158 159 173 190 195 203
226 238 274 340 374 476 483

SUMMARY OF LEGISLATIVE BILLS

The following table shows the final disposition of each bill

Length 90 days

Total Number of Bills Introduced 550
Total Number of "A" Bills Introduced 43
Total Number of Resolutions Introduced 144
Total Number of Bills to Become Law 268

General File (111) (Chronological order):

98	361	64	184	92	92A	192	99	186
142	360	259	441	446	168	75	244	394
402	177	65	316	380	380A	270	420	372
165	406	406A	329	411	233	258	258A	262
21	21A	108	216	282CA	323CA	469CA	395	210
271	501	351	407	128	424	18	48	502
502A	408CA	440	445	508	169	212	140	276
436	187	121	315	388	42	457	327	170
373	217	44	465	286	448	189	87	240
293	298	298A	426	386	476	404	447	405
159	226	526	62	247	247A	248	529	460
385	535	519	534	202	223	523	541	198
198A	343	LR63	403					

General File (111) (Numerical order):

18	21	21A	42	44	48	62	64	65
75	87	92	92A	98	99	108	121	128
140	142	159	165	168	169	170	177	184
186	187	189	192	198	198A	202	210	212
216	217	223	226	233	240	244	247	247A
248	258	258A	259	262	270	271	276	282CA
286	293	298	298A	315	316	323CA	327	329
343	351	360	361	372	373	380	380A	385
386	388	394	395	402	403	404	405	406
406A	407	408CA	411	420	424	426	436	440
441	445	446	447	448	457	460	465	469CA
476	501	502	502A	508	519	523	526	529
534	535	541	LR63					

Select File (2):

109 109A

Final Reading (1):

33A

Approved by the Governor (245):

3e	5e	6	7e	8	9	10	13	17
22	23	29	30	47e	49e	50e	57	58
60	61e	66	72e	73	74e	77	80	81
81A	82e	83	85	86	88e	90	90A	91e
93	95	96	103	111	112	115	116	117
118e	119	122	124	125	126	129	131	132
133	134e	136	137	138e	138Ae	139e	144e	146
152	155	157e	161	161A	162e	167e	172e	173
176	182e	183	190	191	193e	194	196	199
201	203e	204e	204Ae	205	208	209	211	218e
219	220e	220A	224	227	228	230	230A	231e
232	237e	238	245	246	254	255	256e	257
257Ae	260	263	263A	264	265	266	267	268
273	274	275	275A	283	290	291	294e	302
302A	303e	304	305	305A	307	308	309e	309Ae
311	311A	312e	314	317	324	328e	332	333
334	335	336	337	338	340	344e	344Ae	345
346e	347	347A	349	353e	355	357	362e	363
364	365e	366	368	374	384e	390	390A	391
393	396	398	399	401e	410e	419e	421	425
427e	430e	431	443	450e	450Ae	454e	456	462
467	472	473	474	475e	477e	478e	479e	480
481e	482	483e	484	485	486	486A	487	491e
492e	494	494A	497	498e	499e	500	503e	503Ae
504e	506	509	510	511e	512	512A	513e	514e
515e	515Ae	516e	517	517A	518	520e	520Ae	521e
524	530e	533e	537e	540e	542	543e	544e	545e
547e	548e							

Line-item veto (3):

110 531e 546e

Returned by Governor Without Approval (5):

45 79 79A 536e 540Ae

Passed Notwithstanding the Objections of the Governor (19):

4	33	38	38A	39	40	41	46	179
179A	389	389A	459e	459Ae	522e	532e	539e	549e
550e								

Became Law Without Governor's Signature (1):

52

Indefinitely Postponed (138):

1	2	11	12	14	16	19	20	24
26	31	32	34	35	36	37	43	52A
53	54	55CA	56	59	67	68	69	70
71	78	84	94	97	101	104	106	113
114	120	123	127	141	143	145	147	148
150	154	156	158	160	163	164	174	175
178	180	181	185	195	197	207	213	214
215	221	222	225	229	235	236	239	241
242	243	250	251	252	253	261	269	272
277	278	279	280	284	285	287	288	289
292	301	306	310	319	320	321	326	330
352	354	356	358	359	369	370	371	376
379	383	387	397	400	409	412	414	415
417	418	422CA	429	432	433	438	451	452
453	458	461	463	466	468	471	488	505
507	525	528						

Withdrawn (10):

25CA	27	100	151	200	206	318	439	470
527								

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130 135 435

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89 171 381 413 437 449 489 490 493
495 538

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15 76CA 105CA 153CA 234CA 281 295CA 297 322CA

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Prepared by

Vincent D. Brown
Clerk of the Legislature

Elsye Firestone, Index Clerk

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